

# CITY OF GROSSE POINTE FARMS

## CODE OF ORDINANCES

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CODE NO. 1-01 -- CODIFICATION ORDINANCE

Ordinance No. 147

**AN ORDINANCE CODIFYING THE ORDINANCES OF THE CITY OF GROSSE  
POINTE FARMS.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Codification.** Pursuant to the provisions of Section 7.9 of the Charter of the City of Grosse Pointe Farms, on June 5, 1961 the ordinances of the City as then in effect were enacted as the Code of Ordinances of the City of Grosse Pointe Farms. From time to time, pursuant to the provisions of the Charter and pursuant to Ordinance No. 147, the City Council has enacted by ordinance certain amendments, repealers and supplements to the Code of Ordinances. During the years 2004 and 2005, and again during the years 2015 through 2017, the administrative officers of the City, with citizen input, undertook a review of the Code of Ordinances in order to update and modernize certain provisions in accordance with current practices. The technical and corrective amendments attached hereto are a product of such review and are hereby adopted as amendments to the various ordinances referenced therein. The Code of Ordinances enacted on June 5, 1961, as previously amended, repealed or supplemented from time to time, and as further amended by the technical and corrective amendments attached hereto, shall be retained as the Code of Ordinances of the City of Grosse Pointe Farms. Further amendments to such code may be enacted as set forth in Section 2 of this Ordinance.

**Section 2. Amendment Procedure.** The code shall be amended by ordinance in the manner provided by the City's Charter. Appropriate code numbers, conforming generally to the outline set forth in the attached Code of Ordinances, shall be placed on all amendments, which shall be done periodically by the City Clerk. The date and ordinance number of each amendment shall be indicated at the bottom of the page.

**Section 3. Distribution of Code.** Copies of the code shall be placed in loose leaf holders and shall be distributed to the officials of the City of Grosse Pointe Farms by the City Clerk. Each officer assigned a copy of the code shall be responsible for maintaining the same in current form and such copy shall remain the property of the City and shall be turned over by each officer having custody thereof upon expiration of his term of office to his or her successor or to the City Clerk, in case he or she shall have no successor. Copies of the code also shall be available in electronic format.

**Section 4. Availability of Code to Public.** The City Clerk shall have one copy of the complete code available for public inspection during the hours the administrative office of the City is open. Further, the City Clerk shall have copies of the ordinances hereby codified, their amendments, and all subsequent ordinances (i) available for sale to the general public in printed loose leaf form at a reasonable charge to be established by the City Council by resolution, and (ii) available to the general public free of charge in electronic format.

**Section 5. Title.** This codification of ordinances shall be known and cited as the "Code of Ordinances of the City of Grosse Pointe Farms."

**Section 6. Effect of Codification.** The adoption of the code shall not be interpreted as authorizing or permitting any use or the continuance of any use or structure which is in violation of any ordinance of the City in effect at the effective date of this ordinance.

**Section 7. Definitions.** The following words and phrases, when used in this code and any amendment thereto, shall, for the purposes of this code, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning, or where otherwise herein defined for the purpose of a particular chapter or section:

The word "person" shall include any individual, co-partnership, limited partnership, corporation, professional corporation, association, limited liability company, limited liability partnership, professional limited liability company, professional limited liability partnership, club, joint venture, estate, trust, governmental entity, any other legal entity, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

The words "city" or "Village of Grosse Pointe Farms" shall mean the "City of Grosse Pointe Farms."

The word "council" shall mean the elected governing body of the City of Grosse Pointe Farms.

**Section 8. Penalty.** Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this ordinance code, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) and costs of prosecution, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment; provided that the maximum duration of imprisonment shall be ninety-three (93) days for any violation that substantially corresponds to a violation of a Michigan statute that is a misdemeanor for which the maximum duration of imprisonment under the corresponding Michigan statute is 93 days. Each act

of violation and every day upon which any such violation shall occur shall constitute a separate offense.

The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this ordinance code whether or not such penalty is re-enacted in the amendatory ordinance.

**Section 9. Publication.** The printing of the Code of Ordinances of the City of Grosse Pointe Farms in the form attached hereto (including this ordinance), as well as the availability of this Code of Ordinances in electronic format, shall constitute publication of such code and of this ordinance as provided in Section 7.9 of the City's Charter.

**Section 10. Severability.** It is the legislative intent of the Council, in adopting this ordinance code, that all provisions and sections of the ordinance code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the City of Grosse Pointe Farms, and should any provision or section of this ordinance or of the ordinance code be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that this ordinance and the ordinance code shall stand, notwithstanding the invalidity of any provision or section thereof.

The provisions of this section shall apply to the amendment of any section of the ordinance code whether or not the wording of this section is set forth in the amendatory ordinance.

**Section 11. Effective Date.** This ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: June 5, 1961  
Amended July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449083v1

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**CODE NO. 2-01 -- CITY MANAGER ORDINANCE**

**Ordinance No. 115**

**AN ORDINANCE CREATING THE OFFICE OF CITY MANAGER IN THE CITY OF GROSSE POINTE FARMS AND PROVIDING FOR THE POWER AND DUTIES OF SUCH OFFICE AND TO REPEAL ORDINANCE NO. 115.\***

The City of Grosse Pointe Farms ordains:

**Section 1. Creation of Office.** The office of city manager is hereby created.

**Section 2. Appointment of City Manager.** The city manager shall be appointed by the concurring vote of not less than four (4) members of the city council (below called "council") for an indefinite term. The city manager shall be chosen by the council solely on the basis of his or her executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of his or her office hereinafter set forth. At the time of appointment the city manager need not be a resident of the city or the state, but within ninety (90) days thereafter shall establish such residence and during tenure of office he or she shall reside within the city.

**Section 3. Removal of City Manager.** The city manager may be removed by the concurring vote of not less than four (4) members of the council. The manager may demand written charges or a written statement of the reasons for removal which the council shall furnish to the manager within twenty (20) days after the filing of such request. During this period the manager may be suspended from office with pay. The action of the council in removing the manager shall be final.

**Section 4. Powers and Duties of City Manager.** The city manager shall be the executive officer and head of the administrative branch of the city. The manager shall be responsible to the city council for the proper administration of all affairs of the city, and to that end, subject to the provisions of the city charter, shall have power to:

(a) Appoint and suspend or remove all employees of the city except administrative officers, and except as the manager may authorize the head of a department or office to appoint, suspend, or remove subordinates in such department or office. The manager shall have the power subject to confirmation by the council to appoint all administrative officers of the city and shall have the power to discharge such administrative officers without confirmation by the council. All

such appointments, suspensions, or removals shall be based upon merit and upon the qualifications or disqualifications of such officer, or employee.

(b) Consolidate or combine offices, positions, departments, or units under the manager's jurisdiction, with the approval of the city council. The city manager may be the head of one or more departments.

(c) Purchase all materials, supplies, or equipment, for which funds are provided in the budget, but the manager may not purchase any item which exceeds any budget appropriation until the Council has increased the appropriation; provided that for purchases of more than the dollar limitation established by resolution of the council the manager shall be required to receive sealed bids and shall present such bids to the council for approval or rejection. The manager may let contracts not in excess of the dollar limitation established by resolution of the council necessary in the operation or maintenance of city services when sufficient funds for such purposes have been appropriated in the budget, but the city council shall let all contracts in excess of the dollar limitation established by council resolution, all contracts for new construction and all contracts which cannot be consummated with funds provided in the current budget. The manager shall advise the council as to whether any contract offered is desirable or which of several contracts offered is most desirable for the city. The manager may issue such rules and regulations governing requisitions and the transaction of the business of purchasing between the manager as purchasing agent and the heads of departments, officers, and employees of the city as the governing body may approve.

(d) The manager shall be required to:

(i) Recommend to the governing body, in writing, from time to time, for adoption, such measures as he or she may deem necessary or expedient.

(ii) Attend all meetings of the city council unless excused or excluded therefrom by the council and shall have the privilege, except when excused or excluded, of taking part in the discussion of all matters coming before the council and shall be entitled to notice of all meetings, regular and special, of the council.

(iii) See that all laws and ordinances are fully enforced.

(iv) Make investigations into the affairs of the city or any department or division thereof. Investigate all complaints in relation to all matters concerning the administration of the government of the city, and in regard to service maintained by the public utilities in the city, and see that all franchises, permits, and privileges granted by the city are faithfully observed.



(v) Devote his or her entire time to the discharge of his or her official duties.

(vi) Perform such other duties as may be required of him or her by the council, not inconsistent with the city charter, law, or ordinances.

**Section 5. Council Not to Interfere With Appointments or Removals.** Individual members of the council shall not direct or request the appointment of any person to or removal from office by the city manager or by any of his or her subordinates, nor shall individual members of the council in any manner attempt to dictate to the city manager the appointment or removal of officers or employees in the administrative service of the city. Except for the purpose of inquiry, council members shall deal with the administrative service solely through the city manager, and no council members shall give orders to any subordinates of the city manager, either publicly or privately.

**Section 6. Emergencies.** In case of accidents or other circumstances creating an emergency, the city manager may, with the consent of the council, award contracts and make purchases for the purpose of repairing damages caused by said accident or meeting said public emergency, but the manager shall file promptly with the council a certificate showing such emergency and the necessity of such action, together with an itemized account of all expenditures.

**Section 7. Bond.** The city manager shall furnish a surety bond to be approved by the council, said bond to be conditioned on the faithful performance of his or her duties. The premium of the bond shall be paid by the city.

**Section 8. Compensation.** The city manager shall receive such compensation as the council shall fix from time to time by ordinance or resolution.

**Section 9. Vacancy.** Any vacancy in the office of the City Manager shall be filled within a reasonable time after the effective date of such vacancy. During temporary absence or disability of the City Manager the Council, in lieu of appointing an Acting City Manager, may temporarily appoint the Manager's duties (as set forth herein) to the Mayor or another Administrative Officer of the City.

**Section 10. Repeal.** Ordinance No. 115, entitled “An Ordinance creating the office of City Manager” is hereby repealed.\*

**Section 11. Saving Clause.** If any section, subsection, or sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. All ordinances of the city prescribing the duties of heads of departments shall remain in full force and effect except insofar as they conflict with the provisions of this ordinance in which case the provisions of this ordinance shall govern.

**Section 12. Effective Date.** This ordinance shall take effect twenty (20) days after its enactment, or upon its publication, whichever is later.

Enacted: May 2, 1955

Sec. 4(a) Am. July 19, 1965, Ord. No. 163

Sec. 4(c) Am. January 25, 1982, Ord. No. 250

Sec. 9 Am. April 23, 1964, Ord. No. 160

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449084v1

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\* [Editorial Note: Ordinance No. 115 originally was enacted March 21, 1955. A modified version was enacted May 2, 1955 under the same ordinance number, including a repeal of the original version.]

**CODE NO. 2-02 -- CITY CONTROLLER ORDINANCE**

**Ordinance No. 117**

**AN ORDINANCE TO PROVIDE AN ADDITIONAL ADMINISTRATIVE OFFICER OF THE CITY OF GROSSE POINTE FARMS UNDER SECTION 4.6 OF THE CITY CHARTER, WHICH OFFICER SHALL BE KNOWN AS CONTROLLER, AND TO DEFINE THE DUTIES OF SAID OFFICER.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Creation of Office.** In addition to the administrative officers provided in Section 4.6 of the Charter of the City of Grosse Pointe Farms, there shall be an officer known as the controller.

**Section 2. Appointment.** The controller shall hold office as provided in Section 4 of Ordinance No. 115, Code No. 2-01, City Manager Ordinance, as amended.

**Section 3. Powers and Duties.** The controller shall:

(a) Be the principal accounting officer of the City, and it shall be his or her responsibility to maintain such accounting records as are appropriate in accordance with currently accepted governmental procedures to provide adequate controls over the assets and financial transactions of the City, including unpaid taxes and unexpended budgetary appropriations. The controller shall also prepare from the accounting records such periodic statements as may reasonably be required by the City Council to keep it informed as to the financial affairs of the City and the status of the budgetary operations;

(b) Prescribe the form and manner of keeping accounts which shall conform to any uniform system required by law, in all departments of the City governed by the provisions hereof, and have power to examine all books of account kept by such departments and to require at any time statements therefrom relative to their accounts and finances;

(c) Perform such other duties as may be required of him or her by the Council, not inconsistent with the City Charter, law or ordinances.

**Section 4. Saving Clause.** If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby.

**Section 5. Effective Date.** This ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: January 16, 1956

Sec. 2, Am. July 2, 1962, Ord. No. 153  
Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449085v1

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**CODE NO. 2-03 -- VACANCIES IN OFFICE ORDINANCE**

**Ordinance No. 121**

**AN ORDINANCE PROVIDING FOR THE ELECTION BY THE COUNCIL OF THE CITY OF GROSSE POINTE FARMS OF ACTING OFFICERS TO PERFORM THE DUTIES OF OFFICERS OF THE CITY PENDING THE FILLING OF A VACANCY IN OFFICE OR DURING A PERIOD OF ABSENCE OR INCAPACITY OF AN INCUMBENT OF OFFICE.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Provision for “Acting” Officer.** The Council of the City of Grosse Pointe Farms may, with respect to any office which may under the Charter or Ordinances of the City be filled by election of the Council, elect an acting officer to fill such office on the occasion of a vacancy in office and pending election of a permanent incumbent, or may elect such acting officer in case of the temporary absence pursuant to leave of Council duly granted, or in case of incapacity of the incumbent, in each case subject to such compensation and status as may by resolution of appointment be determined.

**Section 2. Qualification of Acting Officers.** An individual elected as an acting officer of the City of Grosse Pointe Farms pursuant to Section 1 hereof shall qualify for the discharge of the duties of the office in every respect as required by the provisions of the Charter or Ordinances of the City of Grosse Pointe Farms affecting the office to which he or she may have been elected as acting officer.

**Section 3. Powers and Duties of Acting Officer.** An individual elected as an acting officer of the City of Grosse Pointe Farms pursuant to Section 1 hereof shall possess and discharge all the powers and duties conferred upon such office by the Charter and/or the Ordinances of the City of Grosse Pointe Farms.

**Section 4. Saving Clause.** If any section, subsection, or sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. All ordinances of the city prescribing the duties of heads of departments shall remain in full force and effect except insofar as they conflict with the provisions of this ordinance in which case the provisions of this ordinance shall govern.

**Section 5. Effective Date.** This ordinance is declared to be immediately necessary for the preservation of the public peace, health or safety pursuant to Section 7.3 of the City Charter and is ordered to be effective forthwith.

Enacted: June 11, 1956

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449086v1

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**CODE NO. 2-04 -- REFUSE DISPOSAL DIRECTOR ORDINANCE**

**Ordinance No. 161**

**AN ORDINANCE CREATING THE OFFICE OF REFUSE DISPOSAL DIRECTOR IN THE CITY OF GROSSE POINTE FARMS AND PROVIDING FOR THE DUTIES OF SUCH OFFICE.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Creation of Office.** The office of Refuse Disposal Director is hereby created.

**Section 2. Appointment of Refuse Disposal Director.** The Refuse Disposal Director shall be appointed at the time of adoption of this Ordinance. Thereafter, he or she shall be reappointed, or a successor appointed, at the first meeting of the City Council in September of each year. Appointment or reappointment shall be by the concurring vote of not less than four (4) members of the City Council.

**Section 3. Removal of Refuse Disposal Director.** The Refuse Disposal Director may be removed from office at any time by the concurring vote of not less than four (4) members of the Council.

**Section 4. Powers and Duties of Refuse Disposal Director.** The Refuse Disposal Director shall:

(a) Represent the City in the Grosse Pointes-Clinton Refuse Disposal Authority and serve as a Director of the governing body of such Authority.

(b) At least every three (3) months advise the City Council concerning the actions taken by and status of such Authority.

(c) Advise the City Council and the Administrative Officers of the City concerning disposal of refuse.

(d) Perform such other duties as may be requested of him or her by the City Council.

**Section 5. Compensation.** The Refuse Disposal Director shall receive such compensation and/or requirement for expenses as the City Council shall from time to time determine by resolution.

**Section 6.** It is hereby declared that this Ordinance is immediately necessary for the preservation of the public peace, health and safety and is, therefore, given immediate effect.

Enacted: April 12, 1965

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449087v1



**CODE NO. 2-05 -- ISSUANCE AND SERVICE OF  
APPEARANCE TICKETS**

**Ordinance No. 280**

**AN ORDINANCE AUTHORIZING ISSUANCE AND SERVICE OF APPEARANCE  
TICKETS WITHIN THE CITY OF GROSSE POINTE FARMS.**

The City of Grosse Pointe Farms ordains:

**Section 1.** The Fire Inspector of the City of Grosse Farms or comparable code official is hereby authorized to issue and serve appearance tickets upon any person whom the Fire Inspector or code official has reasonable cause to believe has violated the Fire Prevention Ordinance, Smoking and Fire Producing Devices Ordinance or other ordinance pertaining to fire prevention in the City of Grosse Pointe Farms, the violation of which is not a felony, provided, however, that the penalty for such violation does not exceed ninety (90) days in jail or a fine of Five Hundred Dollars (\$500.00).

**Section 2.** The Director of Public Service of the City of Grosse Pointe Farms or comparable code official is hereby authorized to issue and serve appearance tickets upon any person whom the Director of Public Service or code official has reasonable cause to believe has violated the Zoning Ordinance, Building Code Ordinance, Fence Ordinance, Electrical or Heating Code Ordinances, Property Maintenance Ordinance or any other ordinance regulating the design, construction, use or placement of any building or structure located within the City of Grosse Pointe Farms, the violation of which is not a felony, provided, however, that the penalty for such violation does not exceed ninety (90) days in jail or a fine of Five Hundred Dollars (\$500.00).

**Section 3.** The Electrical Code Inspector of the City of Grosse Pointe Farms or comparable code official is hereby authorized to issue and serve appearance tickets upon any person whom the Electrical Code Inspector or code official has reasonable cause to believe has violated the Electrical Code Ordinance or other ordinance regulating the electrical installations within the City of Grosse Pointe Farms, the violation of which is not a felony, provided, however, that the penalty for such violation does not exceed ninety (90) days in jail or a fine of Five Hundred Dollars (\$500.00).

**Section 4.** The code enforcement officer or code official of the City of Grosse Pointe Farms is hereby authorized to issue and serve appearance tickets upon any person whom the code enforcement officer or code official has reason to believe has violated any code or ordinance of the City of Grosse Pointe Farms, the violation of which is not a felony, provided, however, that the

penalty for such violation does not exceed ninety (90) days in jail or a fine of Five Hundred Dollars (\$500.00).

**Section 5.** It is hereby declared that this Ordinance is immediately necessary for the preservation of the public peace, health, and safety, and is therefore given immediate effect.

Enacted: May 20, 1985

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449088v1

**CODE NO. 2-06 – GENERAL EMPLOYEES  
RETIREMENT SYSTEM**

**Ordinance No. 385**

[Reprinted in Volume II, Code of Ordinances]

Enacted: September 14, 1992  
Amended and Restated: March 11, 2013

DETROIT 4439-1 1449089v1

**CODE NO. 2-07 – PUBLIC SAFETY  
RETIREMENT SYSTEM**

**Ordinance No. 385**

[Reprinted in Volume II, Code of Ordinances]

Enacted: September 14, 1992  
Amended and Restated: March 11, 2013

DETROIT 4439-1 1449090v1

**CODE NO. 2-08 – MAYORAL ELECTION ORDINANCE****Ordinance No. 367****AN ORDINANCE TO ESTABLISH THE PROCEDURE FOR ELECTION OF THE MAYOR AND MAYOR PRO TEM.**

The City of Grosse Pointe Farms ordains:

**Section 1: Ballot for Mayoral Nomination:** At each regular city election, the City Clerk shall cause to be placed on the same ballot as used for the election of members to City Council a ballot to enable the electors at large to select the person who shall be nominated by the City Council to serve as Mayor for the ensuing two years. The ballot shall include the names of any person who notifies the City Clerk in writing not later than sixty (60) days prior to such regular city election that such person desires to be nominated for the Office of Mayor, provided that such person must at the time of such notice either be (a) a candidate for election to City Council at such regular city election or (b) a current member of City Council whose term expires not sooner than two years after such regular city election.

**Section 2: Election of Mayor and Mayor Pro Tem. by City Council:** The election by the City Council of one of its members to serve as Mayor and another of its members to serve as Mayor Pro Tem. shall be completed at the first Council meeting following each regular city election, as required by Section 4.4 of the Charter. The election of Mayor shall follow the oath of office of the newly-elected Council members and shall be the first item of new business of the Council at such meeting. The election of Mayor Pro Tem. shall be the second item of new business of the Council at such meeting. Each of the Mayor and the Mayor Pro Tem. shall serve for a term of two years, expiring as provided in Section 4.4 of the Charter. Pending the election of a new Mayor, the first Council meeting after each regular city election shall be chaired by that member of the Council who is (in succeeding order): the incumbent Mayor; or if none, the incumbent Mayor Pro Tem.; or if none, the Council member having the greatest seniority of consecutive years of service on the Council. The name of the member of the newly-elected Council who received the greatest number of votes cast by the electors at large for nomination to serve as Mayor at the regular city election as set forth in Section 1 of this Ordinance and who indicates a willingness to accept such nomination shall be placed in nomination for the Office of Mayor by the City Clerk, and thereafter the Council shall elect such nominee chosen by the electors at large. Following the election of the Mayor, the process for election of an individual to the Office of Mayor Pro Tem. shall be by nomination by a member of the City Council and then by vote of all members of the City Council. The City Clerk shall act as the teller for counting the votes cast.

**Section 3: Vacancy in Office.** If the Mayor shall be unable to fulfill the duties of the Office through extended absence or disability (i.e., inability to attend regularly-scheduled meetings of Council during a period of three consecutive months), or by resignation or by death, the Office may be designated as vacant by the City Clerk and shall be filled by the Mayor Pro Tem. for the remainder of the unexpired original term. In such event, the Mayor Pro Tem. shall assume all the powers and duties of the Office of Mayor and shall be designated as Mayor, and the corresponding vacancy in Council may be filled in accordance with the provisions of the Charter.

**Section 4: Severability.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance will not be affected thereby.

**Section 5: Effective Date.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: July 7, 2003

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449091v1

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**CODE NO. 3-01 -- ELECTION PRECINCT ORDINANCE**

**ORDINANCE NO. 338**

**AN ORDINANCE TO ESTABLISH ELECTION PRECINCTS IN THE CITY OF GROSSE  
POINTE FARMS, TO PROVIDE FOR THE BOUNDARIES AND DESIGNATION OF  
THE POLLING PLACE IN EACH OF SUCH PRECINCTS, AND TO REPEAL  
ORDINANCE NO. 88.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** The City of Grosse Pointe Farms shall be divided into five (5) election precincts, which precincts shall have the following designations and boundaries:

PRECINCT NO. 1 - North boundaries, the rear lot line of the north side of Lewiston Road between Kercheval Avenue and Grosse Pointe Blvd., and the center of Moran Road between Lake St. Clair and Grosse Pointe Blvd.; east boundary, Lake St. Clair between Moran Road and the south boundary of Grosse Pointe Farms; south boundary, the boundary line between the City of Grosse Pointe and the City of Grosse Pointe Farms from Lake St. Clair to the center of Kercheval Avenue; west boundaries, the center of Kercheval Avenue between Fisher Road and the rear lot line of the north side of Lewiston Road, and the center of Grosse Pointe Blvd. between the rear lot line on the north side of Lewiston Road and Moran Road.

PRECINCT NO. 2 - North boundaries, the rear lot line of the north side of Mt. Vernon Avenue between Chalfonte Avenue and Charlevoix Avenue, and the rear lot line of the north side of Merriweather Road between Charlevoix Avenue and Grosse Pointe Blvd.; east boundaries, the center of Grosse Pointe Blvd. between the rear lot line of the north side of Merriweather Road and the rear lot line of the south side of Kenwood Road, and the center of Kercheval Avenue between the rear lot line of the south side of Kenwood Road and Fisher Road; south boundary, the center of Fisher Road between Kercheval Avenue and Chalfonte Avenue and the rear lot line of the south side of Kenwood Road between Grosse Pointe Blvd. and Kercheval Avenue; west boundary, the center of Chalfonte Avenue between Fisher Road and the rear lot line of the north side of Mt. Vernon Avenue.

PRECINCT NO. 3 - North boundary, the north boundary line of Grosse Pointe Farms between Chalfonte Avenue and Lake St. Clair; east boundary, Lake St. Clair between the north boundary of Grosse Pointe Farms and Moran Road; south boundaries, the center of Moran Road between Lake St. Clair and Grosse Pointe Blvd., the rear lot line of the south side of Lothrop Road between Grosse Pointe Blvd. and Ridge Road, and the center of Kerby Road between north and south intersecting street numbers 200 and 240, and the rear lot line of the north side of Moross Road between Ridge Road and the northeast corner of Lot 409 Country Club Park Subdivision No. 4, and the north lot line of Lot 317 Country Club Park Subdivision No. 3; west boundaries, the center of Grosse Pointe Blvd. between Moran Road and the rear lot line of the south side of Lothrop Road, and the center of Ridge Road between the rear lot line of the south side of Lothrop Road and Kerby Road, and the center of Ridge Road between Kerby Road and the extension of the rear lot line of the north side of Moross Road, and the rear lot line of the east side of Chalfonte Avenue between the northeast corner of Lot 409 Country Club Park Subdivision No. 4 and the northeast corner of Lot 317 Country Club Park Subdivision No. 3, and the center of Chalfonte Avenue between the northwest corner of Lot 317 Country Club Subdivision No. 3, and the north boundary of Grosse Pointe Farms.

PRECINCT NO. 4 - North boundaries, the rear lot line of the north side of Ridgemont Road between Chalfonte Avenue and Beaupre Road, and the rear lot line of the north side of Moross Road between Beaupre Road extended and Ridge Road extended, and the center of Kerby Road between north and south intersecting street numbers 240 and 200; east boundaries, the center of Beaupre Road between the rear lot line of the north side of Ridgemont Road and the rear lot line of the north side of Moross Road, and the center of Ridge Road between Kerby Road and the rear lot line of the north side of Moross Road, and the center of Ridge Road between Kerby Road and the rear lot line of the south side of Lothrop Road; south boundary, the rear lot line of the south side of Lothrop Road between Ridge Road and Chalfonte Avenue; west boundaries, the center of Chalfonte Avenue between the rear lot line of the south side of Lothrop Road and the rear lot line of the north side of Ridgemont Road, and the center of Beaupre Road between the rear lot line of the north side of Ridgemont Road and the rear lot line of the north side of Moross Road.

PRECINCT NO. 5 - North boundaries, the north boundary line of Grosse Pointe Farms between Mack Avenue and Chalfonte Avenue, and the north lot line of Lot 317 Country Club Park Subdivision No. 3, and the rear lot line of the north side of Moross Road between the northeast corner of Lot 409 Country Club Park



Subdivision No. 4 and Beaupre Road extended; east boundaries, the center of Chalfonte Avenue between the north boundary of Grosse Pointe Farms and the north boundary of Lot 317 Country Club Park Subdivision No. 3, and the rear lot line of the east side of Chalfonte Avenue between the northeast corner of Lot 317 Country Club Park Subdivision No. 3, and the northeast corner of Lot 409 County Club Park Subdivision No. 4, and the center of Beaupre Road between the rear lot line of the north side of Moross Road and the rear lot line of the south side of Hillcrest Road, and the center of Chalfonte Avenue between the rear lot line of the south side of Hillcrest Road and Fisher Road; south boundaries, the rear lot line of the south side of Hillcrest Road between Beaupre Road and Chalfonte Avenue and the center of Fisher Road between Chalfonte Avenue and Mack Avenue; west boundary, the center of Mack Avenue between Fisher Road, and the north boundary line of Grosse Pointe Farms.

**Section 2.** The City Council shall by resolution adopted not later than its second regular meeting preceding any election designate a polling place in each election precinct, and shall give notice of the location of such polling places by publication, at least twice before each election, in a newspaper having a general circulation at regular intervals in the City of Grosse Pointe Farms.

**Section 3.** The provisions of Ordinance No. 88, adopted on May 22, 1950, are hereby repealed.

**Section 4.** If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 5.** This Ordinance shall take effect twenty (20) days after its enactment, or upon its publication, whichever is later.

Enacted: January 25, 1996

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449092v1

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**CODE NO. 3-02 -- ODD-YEAR ELECTION ORDINANCE**

**Ordinance No. 183**

**AN ORDINANCE TO PROVIDE FOR A NOVEMBER ODD-YEAR GENERAL ELECTION PURSUANT TO THE PROVISIONS OF THE MICHIGAN ELECTION LAW, AS AMENDED.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** This Ordinance is adopted pursuant to the provisions of Act No. 116 of the Michigan Public Acts of 1954, as amended, and shall supersede all provisions of the Charter of the City of Grosse Pointe Farms which are in conflict with the provisions of this Ordinance.

**Section 2.** A regular City election, to be known as the “odd-year general election,” shall be held on the Tuesday succeeding the first Monday in November in every odd-numbered year.

**Section 3.** At each regular odd-year general election there shall be elected from the City at large four (4) members of council and such additional number as may be required to fill vacancies in council pursuant to the provisions of Section 5.4a of the City Charter of the City of Grosse Pointe Farms. The three (3) candidates for council receiving the highest number of votes shall each be elected for a term of office of four (4) years and the number equal to the remaining number of members of council to be elected who shall receive the next highest numbers of votes in order shall each be elected for a term of office of two (2) years. The terms of office of the elected members of council shall commence on the Monday next following the date of the odd-year general election at which they are elected.

At the odd-year general election in 1973 and every fourth year thereafter there shall be elected one (1) Municipal Judge for a term of four years commencing on the first day of January next following such election.

At the odd-year general election in 2003 and every odd-year general election thereafter, the ballot shall include the Mayoral nomination procedure as specified by Ordinance No. 367.

**Section 4.** A non partisan city primary election, to be known as the “odd-year primary election,” shall be held on the first Tuesday following the first Monday in August of each odd-numbered year.

**Section 5.** The method of nomination of all candidates for all offices provided for in the Charter of the City of Grosse Pointe Farms which are to be filled by the electors of the city shall be by petition. Such petitions for each candidate shall be signed by not less than fifty (50) nor more than seventy-five (75) qualified registered electors of the city. No person shall sign his or her name to a greater number of petitions for any one office than there are persons to be elected to said office at said election. Where the signature of any individual appears on more petitions than there are candidates to be elected to said office, the signature of such individual on all such petitions shall be invalidated. Nominating petitions for offices to be held at the odd-year general election shall be filed with the City Clerk by 4:00 p.m. on the fifteenth Tuesday prior to the odd-year primary election. The Clerk shall publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office at least one week and not more than three weeks before such last day for filing petitions.

If, upon the expiration of the time for filing nomination petitions for any elective city office, petitions have been filed for no more than twice the number of candidates for such office to be elected at such odd-year general election, then no odd-year primary election shall be held in respect to such office, and the Clerk shall publish notice of this fact. Candidates equal in number to twice the number of persons to be elected to each city office at such election who receive the highest number of votes at any such odd-year primary election shall be declared the nominees for election to the respective offices. The names of such nominees, together with the names of persons for whom petitions have been filed for offices with respect to which no odd-year primary election was held, shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent odd-year general election.

**Section 6.** If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby.

**Section 7.** This ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: December 20, 1971

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449093v1

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CODE NO. 4-01 -- MUNICIPAL COURT ORDINANCE

Ordinance No. 129

**AN ORDINANCE TO ADOPT THE PROVISIONS OF ACT NO. 5 OF THE PUBLIC ACTS OF 1956, AS AMENDED, CREATING FOR THE CITY OF GROSSE POINTE FARMS, PURSUANT TO THE TERMS AND CONDITIONS OF SAID ACT, A MUNICIPAL COURT AND A MUNICIPAL JUDGE.**

The City of Grosse Pointe Farms ordains:

**Section 1.** Pursuant to the provisions of Act No. 5 of the Public Acts of 1956, as amended (Michigan Compiled Laws, Section 730.501 et seq.), the terms and conditions of said Act No. 5 of the Public Act of 1956, as amended, are hereby adopted for the City of Grosse Pointe Farms, and the provisions of said Act are hereby declared to have full force and effect in the City of Grosse Pointe Farms on the effective date of this ordinance.

**Section 2.** From and after the effective date of this ordinance the provisions, insofar as applicable, of Act No. 5 of the Public Acts of 1956, as amended, shall supersede and replace the provisions of Chapter 15 of the Charter of the City of Grosse Pointe Farms adopted by the electors of said City on the 15th day of December, 1949, all to the purpose and effect that the said Charter of the City of Grosse Pointe Farms shall be deemed to be amended, changed and altered pursuant to the authority and provisions granted to the Council of the City of Grosse Pointe Farms by Act No. 5 of the Public Acts of 1956, as amended, and to further purpose and effect that the Municipal Court described in said Act shall be lawfully established in the City of Grosse Pointe Farms.

**Section 3.** From and after the effective date of this ordinance, the Justice Court of the City of Grosse Pointe Farms shall be known and designated as the Municipal Court of the City of Grosse Pointe Farms, and the duly elected Justice of the Peace of said City of Grosse Pointe Farms in office at the effective date of this ordinance shall be known as the Municipal Judge of the City of Grosse Pointe Farms, and in all future municipal elections with respect to such office in the City of Grosse Pointe Farms, the office of said Judge shall be designated on the ballot as that of Municipal Judge.

**Section 4.** The terms of office, duties and powers of the Municipal Judge of the City of Grosse Pointe Farms shall include such as are set forth in Act No. 5 of the Public Acts of 1956, as amended, and all conditions, terms and provisions of the Charter of the City of Grosse Pointe Farms, inconsistent with the terms and conditions of said Act are hereby modified, amended and altered so as to give full force and effect to the terms and conditions of said Act, with respect to the powers, duties and jurisdiction of said Municipal Judge and said Court, provided, however, that except as the same shall be altered, modified or repealed by the aforesaid Act, the terms and

provisions of the Charter of the City of Grosse Pointe Farms pertaining to the Justice of the Peace and to the Justice Court of the City of Grosse Pointe Farms shall remain in full force and effect.

**Section 5.** The Municipal Court herein created shall have concurrent jurisdiction in all civil actions wherein the debt or damages claimed do not exceed the sum of Three Thousand Dollars (\$3,000.00) or such greater amount as may be established by statute, and concurrent jurisdiction in all actions of replevin where the value of the property involved does not exceed the sum of Three Thousand Dollars (\$3,000.00) or such greater amount as may be established by statute.

**Section 6.** The Municipal Judge of the City of Grosse Pointe Farms shall be paid a salary of Twelve Thousand Dollars (\$12,000.00) per year, or such other amount as may be established from time to time by resolution of the City Council. In consideration of such salary he or she shall collect, relinquish, and pay into the city Treasury all fees chargeable by him or her in all civil and criminal cases and all other proceedings and matters by and before such Municipal Judge; and such salary shall be in lieu of such fees, provided, that said Municipal Judge shall be entitled to retain any such fees which may be paid to him or her for performing marriages.

**Section 7.** Wherever reference is made in the Charter or ordinances of the City of Grosse Pointe Farms to the Justice of the Peace or to the Justice Court, such references shall after the effective date of this ordinance be applicable to the Municipal Judge or the Municipal Court of the City of Grosse Pointe Farms, as the case may be, unless the same shall be inconsistent or contrary to the terms and provision of Act No. 5 of the Public Acts of 1956, as amended.

**Section 8.** All ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance lawful effect.

**Section 9.** If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby.

**Section 10.** This ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

**Section 11.** There is hereby created the office of Municipal Court Clerk. The Municipal Court Clerk shall be appointed by the Municipal Judge subject to the written confirmation of the Council. The salary of the Municipal Court Clerk shall be determined by the Council. It shall be the duty of the Municipal Court Clerk:

- (a) To administer oaths to persons making affidavits for writs in civil causes;
- (b) To issue all process and attest to the same in the name of the Municipal Judge;
- (c) To collect all fees, costs, fines and other moneys paid into court or the Violations Bureau of the court;

- (d) To keep a record book of all moneys received and to pay over such moneys to the City Treasurer.

Enacted: December 16, 1957

Sec. 6 Am. Oct. 31, 1960, Ord. No. 143

Sec. 6 Am. June 19, 1978, Ord. No. 226

Sec. 11 added July 10, 1978, Ord. No. 227

Sec. 6 Am. Oct. 1, 1984, Ord. No. 272

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449094v1

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CODE NO. 5-01 -- SPECIAL ASSESSMENT ORDINANCE

Ordinance No. 87

**AN ORDINANCE TO PROVIDE FOR THE MAKING OF PUBLIC IMPROVEMENTS AND DEFRAYING THE EXPENSE THEREOF BY SPECIAL ASSESSMENT.**

**The City of Grosse Pointe Farms Ordains:**

**Section 1.** The term “improvement” as used in this ordinance shall mean any public improvement, any part of the cost of which is to be assessed against one or more lots or parcels of land to be especially benefited thereby, in proportion to the benefit to be derived therefrom.

**Section 2.** The term “cost” as used in this ordinance, when referring to the cost of any improvement, shall include the cost of surveys, plans, obtaining rights-of-way, the preparation of assessment rolls, notices, advertising, financing and construction, and all other costs incident to the making of such improvement, the special assessments therefor and the financing thereof.

**Section 3.** The term “Director” as used in this ordinance shall mean the Director of Public Service of the City of Grosse Pointe Farms. The duties of the Director as specified in this ordinance may, where appropriate, be delegated to a civil engineer, architect or other professional retained by the Director on behalf of the City with the approval of the City Manager.

**Section 4.** The Council shall have power to determine by resolution that the whole or any part of the cost or expense of any improvement shall be defrayed by special assessments upon the property especially benefited, in proportion to the benefits derived or to be derived.

**Section 5.** The Council, in order to ascertain whether or not a reasonable number of property owners to be assessed desire any particular improvement to be made, may request and receive a petition therefor, or may receive such a petition voluntarily presented; but in either event, such petition shall be advisory only and shall not be jurisdictional.

**Section 6.** Before determining to make any improvement, any part of the cost of which is to be defrayed by special assessment, the Council shall require the Director to ascertain the assessed valuation of all property affected by the proposed improvement, the number of parcels which show tax delinquencies, the number of parcels owned by public authorities, and the number of parcels which are vacant; to prepare, or cause to be prepared, plans and specifications therefor and an

estimate of the cost thereof; and to file the same with the Clerk, together with his or her recommendation as to what proportion of the cost should be paid by special assessment and what part, if any, should be a general obligation of the City, the number of installments in which assessments may be paid and the lands which should be included in the special assessment district.

**Section 7.** After such filing, a public hearing shall be held before the Council, which hearing shall be held not less than ten (10) days after notice of the time and place thereof has been published and sent by the Clerk by first class mail to all property owners in the proposed district as shown by the current assessment roll of the City.

**Section 8.** At the time and place specified in such notice for the public hearing, the Council shall meet and hear any person to be affected by the proposed public improvement. The hearing may be adjourned from time to time by the Council.

**Section 9.** After said public hearing, the Council may, by resolution, determine to make the improvement and to defray the whole or any part of the cost of the improvement by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived. By such resolution the Council shall approve the plans and specifications for the improvement; determine the estimated cost thereof; determine what proportion of such cost shall be paid by special assessment upon the property especially benefited and what part, if any, shall be a general obligation of the City; determine the number of installments in which assessments may be paid; determine the rate of interest to be charged on installments, not to exceed ten percent (10%) per annum; designate the district or land and premises upon which special assessments shall be levied; and direct the Assessor to prepare a special assessment roll in accordance with the Council's determination.

**Section 10.** The Assessor shall thereupon prepare a special assessment roll including all lots and parcels of land within the special assessment district designated by the Council, and shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all the lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district. There shall also be entered upon such roll the amount which has been assessed to the City at large.

**Section 11.** When the Assessor shall have completed such assessment roll, he or she shall attach thereto, or endorse thereon, a certificate to the effect that said roll has been made by the Assessor pursuant to a resolution of the Council (giving date of adoption of same) and that in making the assessments therein the Assessor has, as near as may be, according to his or her best judgment, conformed in all respects to the directions contained in such resolution, and to the City



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charter and the provisions of this ordinance. Thereupon the Assessor shall file said special assessment roll with the Clerk who shall present the same to the Council.

**Section 12.** Upon receipt of such special assessment roll the Council shall order it filed in the office of the Clerk for public examination; shall fix the time and place when it will meet and review such roll; which meeting shall be held not less than ten (10) days after notice thereof has been sent by the Clerk by first class mail to all property owners in the proposed district as shown by the current assessment roll of the City. Such notice shall specify the time and place of such meeting. The Council may, in its discretion, publish notice of said meeting not less than ten (10) days prior to date of said meeting.

**Section 13.** Any person aggrieved by the special assessment roll may file objections thereto in writing with the Clerk prior to the close of said hearing, which written objections shall specify in what respect such person is aggrieved.

**Section 14.** The Council shall meet and review the said special assessment roll at the time and place appointed, or at an adjourned date therefor, and shall consider any written objections thereto. The Council may correct said roll as to any assessment or description of any lot or parcel of land, or other errors appearing therein. Any changes made in such roll shall be noted in the Council's minutes. After such hearing and review the Council may confirm such special assessment roll with such corrections as it may have made, if any, or may refer it back to the Assessor for revision or may annul it and any proceedings in connection therewith. No original special assessment roll shall be finally confirmed except by the affirmative vote of five (5) of the members of the Council if prior to such confirmation written objections to the proposed improvement have been filed by the owners of property which will be required to bear more than fifty per cent (50%) of the amount of such special assessment. The Clerk shall endorse the date of confirmation upon each special assessment roll.

**Section 15.** Such roll shall, upon confirmation, be final and conclusive.

**Section 16.** All special assessments contained in any special assessment roll, including any part thereof deferred as to payment, shall, from the date of confirmation of such roll, constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the several lots and parcels of land and a debt to the City from the persons to whom they are assessed. Such lien shall be of the same character and effect as the lien created by the City charter for City taxes and shall include accrued interest and penalties. No judgment or decree, nor any act of the Council vacating a special assessment, shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might be lawfully assessed thereon. All

special assessments shall become due upon confirmation of the special assessment roll or in annual installments not to exceed fifteen (15) in number as the Council may determine at the time of confirmation and if in annual installments, the Council shall determine the first installment to be due upon confirmation or on the following July 1st and subsequent installments on July 1st of succeeding years.

**Section 17.** The assessment roll shall be transmitted by the Clerk to the Treasurer for collection immediately after its confirmation. The Treasurer shall give notice by one publication in a newspaper which shall meet the requirements of Chapter 18, Section 18.7 of the charter that said special assessment roll (identifying it) has been filed in the office of the Treasurer and specifying when and where payments may be made thereon. The Treasurer may mail statements of the several assessments to the respective owners, as indicated by the records of the Assessor, of the several lots and parcels of land assessed, stating the amount of the assessment and the manner in which it may be paid; provided however, that failure to mail any such statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment.

**Section 18.** The whole or any part of any such assessment may be paid during the period of sixty (60) days from the date of confirmation of the special assessment roll without interest or penalty. Not later than fifteen (15) days after the end of said sixty (60)-day period the Treasurer shall transmit such roll to the Assessor with all payments upon assessments noted thereon. The Assessor shall then divide any remaining balance of each assessment into such number of equal installments as shall have been fixed by the Council; provided, that if such division operates to make any installment less than fifty dollars (\$50.00), then the Assessor shall reduce the number of installments so that each installment shall be above and as near to fifty dollars (\$50.00) as possible.

**Section 19.** The first installment shall be spread upon the next City tax roll in a column headed "Special Assessments," together with interest upon all unpaid installments from the date of the confirmation of the roll to the 1st day of July of the year in which such tax roll is made; provided, that any fraction of a month shall be considered as a full month. Thereafter one installment shall be spread upon each annual tax roll, together with one year's interest upon all unpaid installments; provided, that when any annual installment shall have been prepaid as hereinafter provided, then there shall be spread upon the tax roll for such year only the interest upon all unpaid installments.

**Section 20.** After each installment has been placed on the tax rolls, the same shall be collected by the Treasurer with the same rights and remedies, and the same penalties and interest as provided in the charter for the collection of taxes. On the 1st day of the 3rd month following the due date, the Treasurer shall add to all assessments or installments paid thereafter a collection fee of one per cent (1%) of the amount of the assessment, and on the 1st day of each succeeding month

the Treasurer shall add an additional one-half (1/2) of one per cent (0.5%) as a collection fee. All collection fees shall belong to the City and be collectable in the same manner as the collection fee on City taxes.

**Section 21.** After the expiration of the sixty (60)-day period provided for in Section 18 of this ordinance, any installment which has not been spread upon the tax rolls may be discharged by paying the face amount thereof plus the interest thereon to date of payment. Any person desiring to pay such installment in advance shall first secure the proper statement from the Assessor to permit the Treasurer to compute the amount to be paid. The Treasurer shall report to the Assessor all advance payments on installments so that the Assessor shall have such information before spreading installments on the next City tax roll.

**Section 22.** Upon completion of the improvement and the payment of the cost thereof, the Director shall certify to the Council the total cost of said improvement, together with the amount of the original roll for said improvement.

**Section 23.** Should the assessments in any special assessment roll, including the amount assessed to the City at large, prove insufficient for any reason to pay the cost of the improvement for which they were made, then the Council shall make additional assessments against the City and the several lots and parcels of land, in the same ratio as the original assessments, to supply the deficiency; but the total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvement, provided that the additional pro rata assessment shall not exceed twenty-five per cent (25%) of the assessment as originally confirmed unless a meeting of the Council be held to review such additional assessment, for which meeting notices shall be mailed as provided in the case of review of the original special assessment roll.

**Section 24.** The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the City if such excess is five per cent (5%) or less of the assessment, but should the assessment prove larger than necessary by more than five per cent (5%) the entire excess shall be refunded on a pro rata basis to the owners of the property assessed. Such refund shall be made by credit against future unpaid installments in the inverse order in which they are payable to the extent such installments then exist, and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by such special assessment.

**Section 25.** Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement

has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for in the original assessment; and whenever the assessment, or any part thereof, levied upon any premises has been so set aside, if the same has been paid and not refunded, the payment so made shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied.

**Section 26.** In addition to any other remedies and without impairing the lien therefor, any delinquent special assessment, together with interest and penalties, may be collected in an action in the name of the City against the person assessed, in any court having jurisdiction of the amount. If in any such action it shall appear that by reason of any irregularities or informalities the assessment has not been properly made against the defendant or upon the premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the City which is properly charged against the defendant or the premises in question, render judgment for the amount properly chargeable against such defendant or upon such premises.

**Section 27.** No special assessment district shall be created by the Council for any one public improvement which includes property having an area in excess of twenty-five per cent (25%) of the total area of the City. No public improvement project shall be divided geographically for the purpose of circumventing this provision.

**Section 28.** No public improvement to be financed in whole or in part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.

**Section 29.** Should any section, clause or provision of this ordinance be declared by any court to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section 30.** This ordinance shall take effect twenty (20) days after its enactment or upon its publication whichever is later.

Enacted: May 15, 1950

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449095v1

**CODE NO. 5-02 -- BUDGET STABILIZATION FUND ORDINANCE**

**Ordinance No. 246**

**AN ORDINANCE TO CREATE A BUDGET STABILIZATION FUND.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** A budget stabilization fund is hereby created.

**Section 2.** Monies for the budget stabilization fund shall be appropriated annually by resolution of the City Council in accordance with the provisions of Act No. 30 of the Michigan Public Acts of 1978, as amended.

**Section 3.** No taxes shall be imposed to produce revenue in excess of that needed in the estimated budget of the City of Grosse Pointe Farms in order to provide money for the budget stabilization fund.

**Section 4.** The amount of money to be appropriated to the fund, the investments of the fund, and the purposes for which the money in the fund may be appropriated, shall be determined in accordance with the provisions of Act No. 30 of the Michigan Public Acts of 1978, as amended.

**Section 5.** This Ordinance shall take effect twenty (20) days after its enactment or upon publication, whichever is later.

Enacted: January 19, 1981

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449096v1

**CODE NO. 5-03 – WATER REVENUE BOND**

**Ordinance No. 114**

[Reprinted in Volume II, Code of Ordinances]

Enacted: March 7, 1955

DETROIT 4439-1 1449097v1

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**CODE NO. 6-01 – MICHIGAN VEHICLE CODE AND UNIFORM TRAFFIC CODE****Ordinance No. 370**

**AN ORDINANCE TO ADOPT BY REFERENCE THE MICHIGAN VEHICLE CODE AND TO AMEND THE UNIFORM TRAFFIC CODE ORDINANCE, CODE NO. 6-01, ENTITLED "AN ORDINANCE TO ADOPT BY REFERENCE, THE UNIFORM TRAFFIC CODE FOR MICHIGAN CITIES, TOWNSHIPS AND VILLAGES AND TO PROVIDE FOR CERTAIN AMENDMENTS AND ADDITIONS THERETO"**

The City of Grosse Pointe Farms Ordains:

**Section 1. Adoption of Michigan Vehicle Code**

The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, and all future amendments and revisions to the Michigan Vehicle Code when they are effective in the State of Michigan, are incorporated and adopted by reference. All references in the Michigan Vehicle Code to "local authorities" shall mean the City of Grosse Pointe Farms. The penalties provided by the Michigan Vehicle Code, as amended or revised from time to time, are adopted by reference, provided, however, that the City of Grosse Pointe Farms may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

**Section 2. Ratification of Adoption of Uniform Traffic Code**

The adoption in Ordinance No. 179 of the Uniform Traffic Code for Cities, Townships and Villages, as promulgated by the director of the Michigan department of state police pursuant to the administrative procedures act of 1969 (the "Uniform Traffic Code"), is hereby ratified. The Uniform Traffic Code, as previously amended, and all future amendments and revisions to the Uniform Traffic Code when they are effective in the State of Michigan, are incorporated and adopted by reference. All references in the Uniform Traffic Code to a "governmental unit" shall mean the City of Grosse Pointe Farms. The penalties provided by the Uniform Traffic Code, as amended or revised from time to time, are adopted by reference.

**Section 3. Coordination and Repeal of Certain Prior Ordinances**

Ordinance No. 347, amending the Uniform Traffic Code, enacted October 18, 1999, is

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**En. Feb. 8, 2004**  
**Am. Feb. 10, 2014**  
**Am. June 9, 2014**  
**Am. July 9, 2018**  
**Am. May 13, 2019**

**Page 6-1**



hereby repealed. All other amendments and supplements to the Uniform Traffic Code as previously enacted by the City of Grosse Pointe Farms pursuant to Ordinance No. 179, including without limitation Ordinance No. 317 (pertaining to the reimbursement of certain expenses), Ordinance No. 339 (pertaining to permit parking) and Ordinance No. 365 (pertaining to restricted parking), shall remain in full force and effect to the extent not inconsistent with the provisions of the Michigan Vehicle Code or the Uniform Traffic Code, as amended or revised from time to time.

**Section 4.      Publication of Notice**

The City Clerk shall publish this Ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the Uniform Traffic Code and the fact that a complete copy of each code is available to the public for inspection at the office of the City Clerk.

**Section 5.      Partial Invalidity**

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 6.      Effective Date**

This Ordinance is declared necessary for public health and safety and shall take immediate effect.

**Section 7.      Operating a Vehicle While Intoxicated**

As authorized by Act 7 of the Michigan Public Acts of 2012, MCL 117.4i(k), the City of Grosse Pointe Farms also specifically adopts by reference the provisions set forth in Section 625(1)(c) of the Michigan Vehicle Code, MCL 257.625(1)(c), concerning the operation of a vehicle while intoxicated.

Any violation of this Section is punishable by one or more of the following:

- (i)      Community service for not more than 360 hours;
- (ii)     Imprisonment for not more than 180 days;
- (iii)    A fine of not less than \$200.00 nor more than \$700.00.

**Section 8. Ordinance No. 387 Parking Restrictions**

To the extent not inconsistent with the provisions of the Michigan Vehicle Code, the following provisions shall govern the parking of vehicles within the City of Grosse Pointe Farms:

(1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

(a) On a sidewalk.

(b) In front of a public or private driveway.

(c) Within an intersection.

(d) Within 15 feet of a fire hydrant.

(e) On a crosswalk.

(f) Within 20 feet of a crosswalk, or if there is not a crosswalk, then within 15 feet of the intersection of property lines at an intersection of highways.

(g) Within 30 feet of the approach to a flashing beacon, stop sign, or traffic-control signal located at the side of a highway.

(h) Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking.

(i) Within 50 feet of the nearest rail of a railroad crossing.

(j) Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance if properly marked by an official sign.

(k) Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic.

(l) On the roadway side of a vehicle stopped or parked at the edge or curb of a street.

(m) Upon a bridge or other elevated highway structure or within a highway tunnel.

(n) At a place where an official sign prohibits stopping or parking.

(o) Reserved.

(p) In front of a theater.

(q) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.

(r) In a place or in a manner that blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.

(s) In a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless the individual is a disabled person as described in section 19a of the Michigan Vehicle Code or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space the vehicle shall display 1 of the following:

(i) A certificate of identification or windshield placard issued under section 675 of the Michigan Vehicle Code to a disabled person.

(ii) A special registration plate issued under section 803d of the Michigan Vehicle Code to a disabled person.

(iii) A similar certificate of identification or windshield placard issued by another state to a disabled person.

(iv) A similar special registration plate issued by another state to a disabled person.

(v) A special registration plate to which a tab for persons with disabilities is attached issued under this act.

(t) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities.

(u) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities.

(v) Reserved.

(w) In violation of an official sign restricting the period of time for or manner of parking.

(x) In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired, unless the vehicle properly displays 1 or more of the items listed in section 675(8) of the Michigan Vehicle Code.

(y) On a street or highway in such a way as to obstruct the delivery of mail to a rural mailbox by a carrier of the United States postal service.

(z) In a place or in a manner that blocks the use of an alley.

(aa) In a place or in a manner that blocks access to a space clearly designated as a fire lane.

(2) A person shall not move a vehicle not owned by the person into a prohibited area or away from a curb a distance that makes the parking unlawful.

(3) A bus, for the purpose of taking on or discharging passengers, may be stopped at a place described in subsection (1)(b), (d), or (f) or on the roadway side of a vehicle illegally parked in a legally designated bus loading zone. A bus, for the purpose of taking on or discharging a passenger, may be stopped at a place described in subsection (1)(n) if the place is posted by an appropriate bus stop sign, except that a bus shall not stop at such a place if the stopping is specifically prohibited by the Director of Public Safety or his designee.

(4) A person who violates this section is responsible for a civil infraction.

This section shall supplement the provisions of other ordinances governing the lawful parking of vehicles on public or private property within the City of Grosse Pointe Farms and, except to the extent of any inconsistency, shall not supersede or impair the effectiveness of such other ordinances.

**Section 9. Ordinance No. 339 and Ordinance No. 365 Parking Restrictions**

(1) The following vehicles, campers, mobile homes and trailers are prohibited from parking on any City street between the hours of 2:00 a.m. and 5:00 a.m. of the same day:

- a. Any vehicle with commercial license plates;
- b. Any vehicle that is considered a "commercial vehicle" as defined by Michigan Traffic Code Section 257.7. This includes but is not limited to any vehicle with magnetic or permanently affixed advertisements, logos, company names, services rendered, trademarks, or similar markings; those vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise; and those vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight for a vehicle or load so drawn;
- c. Any self-propelled mobile home or camper, more than eighty-nine (89) inches in width;
- d. Any trailer more than eighty-nine (89) inches in width; or
- e. Any trailer with magnetic or permanently affixed advertisements, logos, company names, services rendered, trademarks, or similar markings; those trailers used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise; and those trailers designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight for a vehicle or load so drawn.

The City's Director or Deputy Director of Public Safety may, for good cause shown, grant special parking permits permitting parking of such vehicles or trailers, during the above hours, provided each permit is granted for a definite period of time not to exceed three (3) calendar days.

(2) (a) Designation and Regulation of Restricted Parking Areas. The City Council is authorized to designate by resolution an area or areas of the City in which parking is prohibited or restricted as to specified type of vehicle, specified type of use, specified hours of the day and/or by specified residents of homes or occupants of buildings and their respective guests. Such resolution also may establish resident, occupant or guest permit fees and adopt regulations for the administration of each restricted parking area.

(b) Posting. Such prohibitions or restrictions as thus established shall be posted on signs in the designated area so as to give notice thereof to the general public.

(c) Prohibitions. No person shall (i) park in such a designated area that would violate such prohibition or restriction without a valid "parking permit" issued by the City and authorizing such action, (ii) fail to display such "parking permit" in the lower rear driver's side windshield or driver's side dashboard, (iii) allow an unauthorized person to use such "parking permit," (iv) falsify information to obtain such a "parking permit," (v) fail to surrender such permit to the Director of Public Safety or his assignee, on his demand, if such permit is used in violation of this section, nor (vi) otherwise violate the regulations governing the issuance of such permits.

(d) Penalties. A person who violates Section (c)(iii), (c)(iv) and/or (c)(v) shall be guilty of a misdemeanor; a person who violates Section (c)(i), (c)(ii) or (c)(vi) is responsible for a civil infraction.

**Section 10. Administrative Fees:**

Certain activities of the City's Public Safety personnel in connection with the administration and enforcement of laws, rules, regulations and ordinances concerning motor vehicles, traffic or parking require frequent coordination with outside agencies, contractors, service providers, other units of government, local businesses, residents, and/or the general public. Such activities include, without limitation, the performance of vehicle inspections, the towing of disabled or abandoned vehicles, the temporary re-routing of traffic to facilitate special events, and the provision of special services to support community events or private functions. In order to defray the cost associated with such activities, and in recognition of the special benefits conferred when public safety personnel and administrative resources are redirected from public safety patrols and other core services, the City Council may, from time to time and upon recommendation from the Director of Public Safety and the City Manager, establish a schedule of administrative fees related to such activities, itemizing the amount to be charged and the persons or entities responsible for payment thereof.

Enacted: February 8, 2004

Amended February 10, 2014, Ord. No. 387  
Amended June 9, 2014, Ord. No. 388  
Technical Amendments, July 9, 2018, Ord. No. 392  
Amended May 13, 2019, Ord. No. 394

DETROIT 4439-1 1513721v1

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**CODE NO. 6-02 -- POLICE MUTUAL AID ORDINANCE**

**Ordinance No. 180**

**AN ORDINANCE TO PROVIDE LAW ENFORCEMENT AUTHORITY FOR OFFICERS ACTING UNDER THE PROVISIONS OF THE POLICE MUTUAL AID AGREEMENT BETWEEN THE COMMUNITIES OF THE CITIES OF GROSSE POINTE, GROSSE POINTE FARMS, GROSSE POINTE PARK, GROSSE POINTE WOODS, HARPER WOODS, AND THE VILLAGE OF GROSSE POINTE SHORES, WAYNE COUNTY, MICHIGAN**

The City of Grosse Pointe Farms Ordains:

**Section 1. Definitions.** When used in this Ordinance, the following terms shall have the following meanings:

- A. The term “law enforcement officer” shall mean any legally appointed police officer or public safety officer of the Cities of Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Harper Woods and the Village of Grosse Pointe Shores, Wayne County, Michigan.
  
- B. The term “Police Mutual Aid Agreement” shall mean that agreement entered into between the Cities of Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Harper Woods and the Village of Grosse Pointe Shores, Wayne County, Michigan, which agreement shall be the then current existing agreement between such communities which pertains to law enforcement mutual assistance.

**Section 2. Law Enforcement Authority.**

Any law enforcement officer, when acting in any of the communities that are signatories of the Police Mutual Aid Agreement by direction of their superiors and in accordance with the plans and procedures of the Police Operational Planning Board established under the provisions of the Police Mutual Aid Agreement, shall have the same law enforcement authority when acting in such communities as the law enforcement officers of that community in which they are operating.



**Section 3. Effective Date.**

The effective date of this Ordinance shall be twenty days after enactment or upon publication thereof, whichever is later,

Enacted: October 18, 1971

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449103v1

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**CODE NO. 6-03 – OUIL REIMBURSEMENT ORDINANCE**

**Ordinance No. 317**

**AN ORDINANCE TO REQUIRE PAYMENT OF COSTS INCURRED BY THE CITY IN MAKING EMERGENCY RESPONSES TO MOTOR VEHICLE ACCIDENTS AND/OR ARRESTS INVOLVING DRIVERS OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES AND/OR A CONTROLLED SUBSTANCE.**

The City of Grosse Pointe Farms ordains:

**Section 1. Legislative Findings and Purpose.** The City finds that a significant number of traffic arrests and traffic accidents in the City involve drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance. In addition, the City finds that in traffic accidents involving drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance, there is a greater likelihood of personal injury and property damage. As a result of these determinations, a greater operational and/or financial burden is placed upon the city police, public service, fire fighting and rescue services by persons who are operating a motor vehicle while under the influence of alcoholic beverages and/or a controlled substance. The purpose of this Ordinance is to require such persons to reimburse the City for costs incurred in making emergency responses to motor vehicle accidents and/or arrests involving such persons.

**Section 2. Definitions.** -- For purposes of this Ordinance:

A. “Emergency response” shall mean:

(1) The providing, sending and/or utilizing public service, public safety, police, fire fighting and/or rescue services by the City, its employees or contractors to an accident involving a motor vehicle where one or more of the drivers were operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and controlled substance; or

(2) The making of a traffic stop and arrest by a public safety officer or police officer when the driver was operating the motor vehicle while under the influence of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and controlled substance.

- B. “Expense of emergency response” shall mean:

The direct costs incurred by the City associated with the occurrence of an emergency response as set forth in subsection A(1) or A(2), whichever is applicable. The expense of making an emergency response as set forth in subsection A shall include, but not be limited to, the costs connected with the administration and provision of a breathalyzer test and/or chemical test and the audio or video recording of the driver, if applicable. A schedule of costs for certain types of emergency responses shall be set by council resolution and may be amended from time to time by council resolution.

**Section 3. Liability for Expenses.**

- A. Any person who, while under the influence of an alcoholic beverage or any controlled substance or the combined influence of an alcoholic beverage and any controlled substance, operates a motor vehicle which results in an emergency response as defined in Section 2 of this Ordinance shall be responsible and/or liable for the expenses of the emergency response.
- B. For purposes of this Ordinance, it shall be presumed that a person was operating a motor vehicle under the influence of an alcoholic beverage if chemical analysis of the driver's blood, urine or breath indicates that the amount of alcohol in the driver's blood was in excess of the limits applicable to such driver (based upon such driver's age and whether or not such driver was operating a commercial motor vehicle) pursuant to the provisions of the Michigan Vehicle Code in effect at the time of operation of the motor vehicle.

**Section 4. Civil Liability.** This Ordinance shall be construed to impose a responsibility and liability of a civil nature on the part of the driver and shall not be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility (including fines) imposed by a court on a driver for operating a motor vehicle while under the influence of an alcoholic beverage and/or controlled substance.

**Section 5. Repeal.** All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict and only to the extent necessary to give this Ordinance full force and effect.

**Section 6. Severability.** If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 7. Effective Date.** This Ordinance shall take effect twenty (20) days after its enactment, or upon its publication, whichever is later.

Enacted: February 8, 1993

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449104v1

**CODE NO. 6-04 -- BICYCLE ORDINANCE**

**Ordinance No. 184**

**AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF BICYCLES AND THE ISSUANCE OF LICENSES FOR THE OPERATION THEREOF AND SALE OF UNCLAIMED BICYCLES RECOVERED BY THE PUBLIC SAFETY DEPARTMENT OF THE CITY OF GROSSE POINTE FARMS AND TO REPEAL ORDINANCE NO. 51**

The City of Grosse Pointe Farms Ordains:

**Section 1.** It shall be unlawful for any person to operate or use a bicycle, propelled wholly by muscular power, in the City of Grosse Pointe Farms without first having obtained a license therefor.

**Section 2.** An application for a bicycle license shall be made to the Public Safety Department of the City of Grosse Pointe Farms, which application shall state the name and address of the owner of such bicycle, the character and description of the bicycle to be licensed and the serial number thereof, and such other information as may be required.

**Section 3.** Upon receipt of such application and upon the payment of the license fee which shall be set by resolution of the City Council, the Public Safety Department shall issue a license to such applicant, which license shall be attached to the bicycle so licensed during the existence of such license. The Public Safety Department shall keep a record of the date of each license, to whom issued, and the number thereof. Each license shall have numbers stamped thereon in numerical order, beginning with number one, and shall be in such form and design as approved by the Public Safety Department.

**Section 4.** All licenses issued hereunder shall expire as and when the licensee sells or transfers ownership of the bicycle for which such license was issued.

**Section 5.** All persons engaged in the business of buying second hand bicycles in the City of Grosse Pointe Farms shall be required to make a weekly report to the Public Safety Department, giving the name and address of the person from whom each bicycle was purchased, the serial or frame number thereof, and the number of the license plate found thereon, if any.

**Section 6.** It shall be unlawful for any person engaged in the business of buying second hand bicycles to purchase any such second hand bicycle from a person under the age of eighteen years of age.

**Section 7.** It shall be the duty of the purchaser or transferee of any bicycle to apply for registration thereof within seven days after the date of the sale or transfer.

**Section 8.** It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number on any bicycle frame licensed in accordance with the provisions of this ordinance, or to remove, destroy, mutilate, alter or counterfeit any license or seal during the time in which such license or seal is operative; provided, however, that nothing in this ordinance shall prohibit the Public Safety Department from stamping numbers upon the frames of bicycles upon which no serial number can be found or upon which said number is illegible or insufficient for identification purposes.

**Section 9.** It shall be unlawful for any person owning a bicycle to leave such bicycle on public or private property, other than the property of the owner, unattended without locking the same with a proper locking device.

**Section 10.** Any person who shall violate or assist in the violation of the provisions of this ordinance shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the City or County Jail for a period not to exceed ninety (90) days, or both such fine and imprisonment may be imposed in the discretion of the court.

**Section 11.** All bicycles recovered by the Public Safety Department and unclaimed by owners within six (6) months after recovery may be sold at public auction by the Public Safety Department after publication of a notice in at least three (3) public places in the City at least ten (10) days prior to such sale; or posting of such notice thereof in a newspaper circulated in the City at least ten (10) days prior to such sale, describing the bicycles and giving date and time of sale. All moneys realized from such auction sales shall be paid into the general fund of the City.

**Section 12.** Ordinance No. 51 adopted December 6, 1937, as amended by Ordinance No. 63 adopted February 3, 1941, and as amended by Ordinance No. 124 adopted February 25, 1957, entitled, "An ordinance to provide for the registration of bicycles and the issuance of licenses for the operation thereof in and sale of unclaimed bicycles recovered by the police of the Village of Grosse Pointe Farms" is hereby repealed.

**Section 13.** This ordinance shall take effect twenty (20) days from the date of its enactment or its publication, whichever is later.

Enacted: December 20, 1971

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449105v1

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CITY OF GROSSE POINTE FARMS

WAYNE COUNTY, MICHIGAN

CODE NO. 6-05 – INTERNATIONAL FIRE CODE

ORDINANCE NO. 380

**AN ORDINANCE TO ADOPT THE INTERNATIONAL FIRE CODE AND RELATED FIRE SAFETY REGULATIONS GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF GROSSE POINTE FARMS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND REQUIRING THE INSTALLATION OF SECURE ACCESS DEVICES IN CERTAIN BUILDINGS.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Adoption of Code by Reference.** Pursuant to the provisions of Section 3(k) of Act 279 of 1909, State of Michigan, as amended, The International Code Council, Incorporated, International Fire Code (hereinafter referred to as the “ICC International Fire Code 2006”), is hereby found and declared to be an acceptable code and is hereby adopted by reference (as modified and supplemented in this Ordinance) for the purpose of protecting the public health, safety and welfare in the City of Grosse Pointe Farms. The International Fire Code 2006, as modified and supplemented in this Ordinance, provides for, among other things:

- a. the establishment of certain regulations governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises;
- b. the issuance of permits and the collection of fees therefor; and
- c. administration, enforcement and penalties.

**Section 2. Code on File.** Complete printed copies of the International Fire Code 2006, herein adopted, are available for public use and inspection at the Office of the City Clerk.



**Section 3. References in Code.** References in the International Fire Code 2006 shall be read as referring to the City of Grosse Pointe Farms.

All references therein to the “municipality” and to any and all of the personnel, bureaus and/or subdivisions of the Public Safety Department or Fire Department shall be read as referring, as applicable, to the Chief Code Enforcement Officer of the City of Grosse Pointe Farms and the Director of Public Safety of the City of Grosse Pointe Farms, and such representative(s) as such officials may expressly designate. All references therein to the department of fire prevention shall be read as referring to the Public Safety Department of the City of Grosse Pointe Farms. All references therein to the legal representative of the municipality shall be read as referring to the City Attorney of the City of Grosse Pointe Farms.

**Section 4. Changes in Code.** The following sections and sub-sections of the International Fire Code 2006 are hereby amended or deleted as set forth below and additional sections and sub-sections are added as indicated. (Subsequent section numbers used in this Ordinance shall refer to the like numbered sections of the International Fire Code 2006.)

- a. Section 101.1 is modified to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Grosse Pointe Farms, hereinafter referred to as “this code.”

- b. A new Section 108.4 is inserted, providing as follows:

108.4 Certain Appeals to City Council. In addition to the board of appeals established under Section 108.1 of this code, the City Council is authorized in its discretion to hear appeals from orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code. Prior to filing any such appeal with the City Council, the appellant must first appeal to the board of appeals and obtain a final determination from the board of appeals. Appeals to the City Council must be in writing and state the reason(s) therefor. The City Council may refuse to consider any such appeal, but if such appeal is considered the City Council may affirm the decision of the fire code official or the board of appeals or may modify the application of the requirements of this code.

- c. Section 109.3 is modified to read as follows:

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109.3 Penalty for Violations: Any person violating or failing to comply with any provision of this code shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court. Every day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

d. In any section of this code that calls for a geographic restriction on the storage of certain flammable liquids, fluids, or other hazardous substances, such restriction shall cover the entire geographic boundaries of the City of Grosse Pointe Farms unless the fire code official establishes otherwise by written order or directive.

**Section 5. Civil Liability for Costs and Damages.** Any and all costs and damages incurred (i) as a result of enforcement (including without limitation the deployment of equipment and personnel to respond to an emergency situation, the performance of investigations, and preparation for and attendance at administrative or court proceedings) of the International Fire Code 2006 or any other applicable code or ordinance pertaining to fire prevention or the use, transportation or storage of hazardous materials, or (ii) as a result of any measures undertaken (whether or not on an emergency basis) to protect the safety of persons or property within the City of Grosse Pointe Farms pursuant to the International Fire Code 2006 or any other applicable code or ordinance pertaining to fire prevention or the use, transportation or storage of hazardous materials, or (iii) as a result of any other measures undertaken in response to the presence or introduction of hazardous materials within the City of Grosse Pointe Farms, shall be payable, jointly and severally, by the owners and/or operators of any property, equipment, vehicle or vessel causing or contributing to, in whole or in part, an occurrence or condition (including without limitation any dangerous or hazardous condition or contamination of the environment) resulting in the enforcement action or other measures described in clauses (i), (ii) and (iii) above. The joint and several liability of owners and/or operators as described in the preceding sentence shall include responsibility for any acts or omissions of agents, employees, constructors or subcontractors causing or contributing to, in whole or in part, the occurrences resulting in enforcement or other responsive measures. Costs and damages recoverable under this Section shall include, without limitation, direct and indirect costs (such as wages, salaries, benefits and overtime charges) for personnel involved in any enforcement or other responsive measures; costs for repair or replacement of any equipment damaged or destroyed in connection with such enforcement or other responsive measures; costs associated with claims of personal injury sustained by personnel responding to an occurrence or condition governed by the International Fire Code 2006 or any other applicable code or ordinance pertaining to fire prevention or the use, transportation or storage of hazardous materials; and any amounts for which the City is held liable to third persons for personal

injury or property damage and all costs of defense associated therewith. An owner or operator liable for costs and/or damages under this Section shall, upon demand, reimburse the City in full for all such costs and/or damages (or, with respect to any property owner, to assess such costs and/or damages against the property in accordance with Section 11.9 of the City Charter). Upon failure to satisfy such reimbursement obligation in full within thirty (30) days following such demand, the City shall be permitted at any time thereafter to commence a civil action to recover such costs and/or damages. In connection with any such civil action, the City shall be entitled to recover, as a separate item of damages, the actual amount of attorneys' fees and other litigation expenses in connection with such civil action. The civil liability imposed by this Section shall be in addition to, and not in lieu of, any other responsibility imposed by the International Fire Code 2006 (or by other applicable code or ordinance) upon an owner and/or operator of any property, equipment, vehicle or vessel, including applicable fines or penalties or the responsibility to abate any hazardous or unsafe conditions.

**Section 6. Secure Access Devices.** (a) For purposes of this Section, the term "secure access device" shall refer to an approved system by which a door key or other means of access into a building may be affixed to the exterior of such building in a secure location and accessible, via a confidential entry code, only by the building's owner(s) or occupant(s) (and any authorized representatives of such owner(s) and/or occupant(s)) and by the Public Safety Department of the City of Grosse Pointe Farms. A "secure access device" shall include a "Knox Box" or other system(s) approved from time to time by the Director of Public Safety.

(b) The utilization of a secure access device is designed, among other things, (a) to expedite access into a structure in the event of a fire, explosion, or other actual or suspected public safety emergency, and (b) to minimize the property damage and associated costs attendant with the need to gain immediate access into structures in the event of a fire, explosion, or other actual or suspected public safety emergency. Nevertheless, the placement of a secure access device on any structure (whether on a voluntary basis or as required under this Section) shall not restrict in any manner the right of authorized public safety personnel, in the case of any actual or suspected public safety emergency, to gain access to structure via all available means, and in no event shall the City or any public safety personnel be responsible or liable in any manner for the failure to utilize a secure access device. Any civil liability for costs or expenses imposed by the provisions of the International Fire Code 2006 (as amended and supplemented by this Ordinance) shall continue in full force and effect whether or not a secure access device was utilized in any given instance.

(c) Secure access devices shall not be required for structures in any residential zoning district (excepting any business structures located in a residential district). For all structures in all other zoning districts (and including any business structures located in a residential district), secure access devices shall be phased in according to the following schedule:

(1) For all structures having a common wall with any other structure, a secure access device must be installed as soon as practicable after the effective date of this Ordinance;

(2) Upon any change in occupancy of any structure, a secure access device must be installed prior to the issuance of a new certificate of occupancy; and

(3) For all structures not covered by subparagraphs (1) or (2) above, a secure access device must be installed not later than June 30, 2011.

(d) A property owner or occupant may, in any case of undue hardship or practical difficulty, appeal to the City Council any decision of the Director of Public Safety requiring the installation of a secure access device in connection with a specific structure. Any such appeal shall be in writing and shall state the reason(s) therefor. Upon such appeal, the City Council may affirm the decision of the Director of Public Safety or may modify the application of the requirements of this Section.

**Section 7. Fire Prevention.** The following provisions adopted in Ordinance No. 94 shall, to the extent not inconsistent with International Fire Code 2006, remain in effect:

a. It shall be the duty of the Director of Public Safety (through a designated code enforcement official) to inspect or cause to be inspected, as often as may be necessary, but not less than once each year, all buildings and premises in the City, except the interior of private dwellings, and to inspect the interior of private dwellings when and to the extent deemed necessary, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of the provisions or intent of any ordinance of the City affecting fire hazards.

b. Whenever the Director of Public Safety or any officer or member of the Fire Department shall find any building or other structure which, for want of repairs, or by reason of age, or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other property; or shall find in any building or upon any premises defective or deteriorated electrical wiring, connections, sockets, switches or appurtenances, or defective or deteriorated gas piping, connections, burners, valves or appurtenances, or defective or dangerous stoves, heating, lighting, cooking, washing, refrigerating or ventilating equipment or other appliances; or shall find in any building or upon any premises or in any other place, combustible or explosive matter, or dangerous accumulations of rubbish, or unnecessary accumulations of waste paper, boxes, shavings or any other highly inflammable material which is so situated as to endanger property; or shall find obstructions on fire escapes, stairs, passageways, doors,

windows, streets, courts, driveways, alleys, parking places, etc., either public or private, which are liable to interfere with the operations of the Fire Department, or egress of occupants in case of fire; he or they shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner, lessee or occupant of such premises, or the person responsible for the condition or obstruction, to whom it is directed.

c. Such order may be served on the owner or lessee of the premises by delivering a copy to such owner or lessee personally, or by mailing a copy to him or her at his or her last known address, by registered mail. Service on an occupant of the premises may be made by delivering a copy to such occupant or to any person in charge of the premises personally, or by mailing a copy to him or her at his or her last known address, by registered mail. If the owner, lessee or occupant is not readily available for personal service, and no mailing address is readily available, the order may be served by posting a copy in a conspicuous place on the premises. Service on others may be made by delivering a copy of the order personally or by mailing a copy to the last known address, by registered mail.

d. The person to whom such order is directed shall within forty-eight hours, or any longer period set by the order, either comply therewith or give a written notice of appeal to the City Council accompanied by a cash deposit in the amount of \$100.00. The effect of the order shall be suspended pending determination of the appeal. The Council shall review the order and determine the propriety thereof, and may affirm, modify or reverse the order. Upon affirmance or modification, the order, as so affirmed or modified, shall become effective as an order of the Council and shall forthwith be complied with by the owner, lessee or occupant to whom it is directed. If the order is reversed the cash deposit shall be returned; otherwise it shall be forfeited to the City.

e. No person shall kindle, maintain or knowingly furnish the materials for maintaining any bon-fire or other exposed fire of a nature to create a fire hazard to surrounding property within the City, without obtaining prior permission and instructions from the Fire Department in regard to proper safeguards. In all cases there shall be an obligation upon the person kindling, maintaining or knowingly furnishing the materials for maintaining the fire to keep a sufficiently safe control of said fire, to be responsible for any damages therefrom, and to extinguish, remove or wet down all resultant embers and hot ashes at the close of said fire.

f. It shall be the duty of the Director of Public Safety or the officers or members of the Fire Department to designate such fire extinguishing and fire protective equipment and measures as they may deem necessary considering the hazards involved for each business and mercantile establishment, church, hospital, school, library, club, theatre or other place of public or semi-public character. Failure to install or provide the equipment or take the measures ordered by the

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Director of Public Safety or officers or members of the Fire Department, and to maintain the equipment in operative condition at all times, shall be a violation of this ordinance.

**Section 8. Conflicting Ordinance Provisions.** In case of conflict between any provision of the International Fire Code 2006 (as adopted in this Ordinance) and the provisions of any other ordinance of the City of Grosse Pointe Farms, the most restrictive provisions shall control.

**Section 9. Severability.** If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 10. Effective Date.** This ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: February 11, 2008

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Matthew Tepper, City Clerk

Am. Feb. 11, 2008, Ord. No. 338  
Technical Amendments July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449106v1

**CODE NO. 6-06 -- SMOKING AND FIRE PRODUCING  
DEVICES ORDINANCE**

**Ordinance No. 131**

**AN ORDINANCE REGULATING SMOKING AND USE OF SPARK, FLAME,  
MATCH AND FIRE PRODUCING DEVICES IN RETAIL STORES, BUILDINGS AND  
SECTIONS OF BUILDINGS IN THE CITY OF GROSSE POINTE FARMS**

The City of Grosse Pointe Farms Ordains:

**Section 1.** Smoking is prohibited in the City of Grosse Pointe Farms in that portion of any retail store in which gasoline, kerosene or other such flammable liquids or other highly combustible merchandise or materials are sold, offered or exposed for sale, or in any retail store, building or section of building in which the Grosse Pointe Farms Public Safety Department, fire inspector or other authorized representative by written order to the owner, occupant, or other person having control or management thereof, finds that smoking therein is dangerous to life or property.

**Section 2.** The use of any spark, flame, match, or a fire producing device for purposes of demonstration, is hereby prohibited in any retail store, building or section of building hereinabove referred to in Section 1, unless said department, inspector or representative shall find that the use of such articles therein is not dangerous to life or property and shall give a written authorization therefor.

**Section 3.** The owner, occupant, or other person having control or management of any such retail store, building or section of building in which smoking shall be prohibited as provided in Section 1 hereof, shall post in appropriate and conspicuous places therein notices and/or signs reading "NO SMOKING -- CITY OF GROSSE POINTE FARMS PUBLIC SAFETY DEPARTMENT".

**Section 4.** Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be subjected to a fine not exceeding the sum of Five Hundred (\$500.00) Dollars or imprisonment for not more than ninety (90) days, or both, in the discretion of the Court.

**Section 5.** If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby.

**Section 6.** This ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: June 16, 1958

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449107v1



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**CODE NO. 6-08 -- ALARM REGULATION ORDINANCE**

**Ordinance No. 219**

**AN ORDINANCE ESTABLISHING A LICENSING FEE FOR ALARM SYSTEMS; REGULATING ALARM SYSTEMS; CONTROLLING EXTERIOR LIGHTING AND SOUND DEVICES OPERATED IN CONJUNCTION WITH ALARM SYSTEMS; ESTABLISHING A PROCEDURE FOR THE REVOCATION OF ALARM LICENSES AFTER RECEIPT OF FOUR (4) FALSE ALARMS WITHIN A CALENDAR YEAR AND THE FAILURE OF THE LICENSEE TO TAKE CORRECTIVE ACTIONS; AND GOVERNING POLICE AND FIRE RESPONSES FOR ALARMS WITHIN THE CITY OF GROSSE POINTE FARMS.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** No resident, business, corporation, institution, or agent thereof, within the City shall use or operate, attempt to use or operate or cause to be used or operated, or arrange, adjust, program or otherwise provide or install any device or combination of devices that will upon activation, either mechanically, electronically, automatically or upon any other means initiate the intrastate calling, dialing or connection directly, or indirectly by means of a second person caller, to any telephone number assigned to any subscriber by a public telephone company; or alarm system located within the City's Public Safety Department, without the prior written consent of the Director of Public Safety, as specified in Section No. 3 of this Ordinance. This Ordinance shall not apply to a commercial bank subject to regulation under the United States Bank Protection Act of 1968, as amended, 12 United States Code 1881 - 1884.

**Section 2.** Definitions of Terms Used in this Ordinance.

- (a) The term "alarm system" means an assembly of equipment and devices (or a single device such as a solid state unit which plugs directly into an electrical line or battery operated) arranged to signal the presence of a hazard requiring urgent attention and to which Public Safety or emergency response personnel are expected to respond. In this Ordinance, the term "alarm systems" includes so-called "intrusion or burglary alarm systems", "fire or temperature alarm systems", "smoke alarm systems", "ambulance alarm systems", "gas or sniffing alarm systems", "attention alarm systems" and any similar device or devices.

- (b) The term "false alarm" means the activation of an alarm system through mechanical failure, faulty equipment, malfunction, improper installations, or the negligence or the improper use of the owner or lessee of an alarm system or of his or her employees or agents which shall be established when there is no evidence of criminal activity, fire or need for medical attention upon the activation of the alarm system with the following exceptions:
- (1) A testing of the alarm system when prior notification has been received by the Public Safety Department; and,
  - (2) Alarms caused specifically by hurricanes, tornadoes, earthquakes or similar catastrophic events.
- (c) The term "telephone number" means any number assigned to a person, firm, municipality or corporation by a public utility company engaged in the business of providing communication services and facilities, including without limitation any additional numbers assigned by a public utility company engaged in the business of providing communication services and facilities to be used by means of a rotary or other system or means to connect a subscriber to such primary number when the primary telephone number is in use.

**Section 3.** Prior written consent to connect users to the City's Public Safety Department's communication systems telephone number or numbers or facilities, may be obtained by completing the City's alarm licensing application and the payment of the licensing fee as set from time to time by resolution of the City Council. Such license being valid for a period of five (5) years from the date of issuance, or until a change of occupancy if such occurs during such five (5)-year period. No alarm system company or alarm system seller or installer shall receive written permission to connect alarm systems to the assigned Public Safety Department's communication systems telephone number or numbers, or facilities, until such time as the user of such alarm system has obtained a license as specified in this Section.

**Section 4.** Revocation of the alarm system license issued by the City without reimbursement of any portion of the licensing fee may occur under the following circumstances:

- (a) Fraud or willful or known misrepresentation or false statement made in an application for a license; or
- (b) Four (4) or more false alarms within a calendar year provided:

- (1) That upon the third (3<sup>rd</sup>) false alarm, the Director of Public Safety or his or her designee has given written notification to the user of the requirements of this section;
- (2) That upon the fourth (4<sup>th</sup>) false alarm and upon written notification by the Director of Public Safety or his or her designee, the user shall have the opportunity to have the alarm system inspected by an alarm system contractor and within fifteen (15) days of the receipt of such notification, report in writing to the Director of Public Safety the results of the inspection, the probable cause of false alarms and the recommendations for eliminating false alarms; and
- (3) Failure of the user to take the corrective action(s) as specified in subparagraph (b)(2) above and/or additional false alarm(s) during the calendar year.

**Section 5.** No alarm system regardless of the need for a license as required by this ordinance may operate outside lighting or audible sounding devices which are activated by an alarm system unless such lighting or sounding devices are programmed to deactivate in a period no longer than thirty minutes after the activation of the alarm. Any malfunction of such equipment unless caused specifically by hurricanes, tornadoes, earthquakes or similar catastrophic events shall constitute a violation of this Ordinance and subject the user, institution or agent thereof to the penalties of this ordinance.

**Section 6.** Any person, business, corporation, institution or agent thereof violating any provision of this Ordinance shall upon conviction be subjected to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court. Continuing acts of violation and each day upon which such violations shall occur may be charged as separate offenses.

**Section 7.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 8.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: December 5, 1977

Sec. 1 Am. Nov. 6, 1978, Ord. No. 229  
Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449108v1

**CODE NO. 7-01 -- SIDEWALK ORDINANCE**

**Ordinance No. 10**

**AN ORDINANCE TO REQUIRE OWNERS AND OCCUPANTS OF PREMISES TO KEEP THE SIDEWALKS IN FRONT THEREOF FREE FROM SNOW AND ICE.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** No person shall permit any snow or ice to remain on the sidewalks in the front, rear or side of any house, premises, building or lot owned or occupied by him or her for a longer period than twenty-four (24) hours after the same has fallen or formed.

**Section 2.** Where ice has formed on any such sidewalk, such owner or occupant, as above provided, shall within twelve (12) hours after the same has formed, cause a sufficient quantity of salt or other de-icing agent to be strewn thereon in such a manner as to render the same safe for persons walking thereon.

**Section 3.** If such owner or occupant shall neglect or refuse to remove such snow and ice and to make such sidewalk safe for persons walking thereon, as above provided, within twelve (12) hours after notice to do so, the proper officers of the City may forthwith effect such removal and make such sidewalk safe for persons walking thereon and the expense thereof may be assessed against such lot or premises and proceedings held to collect the same in the same manner as other special assessments are collected.

**Section 4.** The notice to be given in such cases shall be served upon the owner or occupant of such lot or premises and if they or either of them cannot be found, it shall be securely posted in some conspicuous place on such lot or premises.

**Section 5.** Any person violating any of the provisions of this Ordinance shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment in the County jail not exceeding ninety (90) days, or both. Such fine and imprisonment in the discretion of the Court.

**Section 6.** This Ordinance shall take effect twenty (20) days after the date of its passage.

Enacted: February 10, 1916

Sec. 5 Am. June 13, 1988, Ord. No. 290.  
Technical Amendments, July 9, 2018, Ord. No. 392

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**CODE NO. 7-02 -- NUISANCE ORDINANCE**

**Ordinance No. 104**

**AN ORDINANCE TO GUARD AGAINST THE GROWTH AND SPREAD OF NOXIOUS WEEDS; TO REGULATE ACCUMULATIONS OF REFUSE AND RUBBISH, ABANDONED AND UNUSED STRUCTURES AND OPEN EXCAVATIONS AND ACCUMULATIONS OF STANDING WATER; AND TO REPEAL ORDINANCES NO. 7 AND 11.**

The City of Grosse Pointe Farms Ordains:

**Section 1.**

(a) Noxious Weeds

(1) It shall be the duty of every owner, lessee or occupant of any land within the City to cut down or cause to be cut down all noxious weeds, as defined herein, which are growing thereon, at such times and as often as may be necessary to prevent them from going to seed, or from endangering children and other members of the public. For the purpose of this Ordinance noxious weeds shall include but not limited to Canada thistle, dodders, mustards, wild carrot, bindweed, perennial sow thistle, hoary alyssum, poison ivy, poison sumac, ragweed, milkweed and any other weed, shrub or plant which endangers property or the health or safety of the public.

(2) In order to enforce and control effectively the elimination of noxious weeds and other harmful conditions, all weeds, wild brush or grass which are of a height of six (6) inches or more growing or lying upon any property in the City of Grosse Pointe Farms are hereby declared to be a public nuisance.

(b) Accumulations of Refuse and Rubbish

(1) No person shall permit any refuse, rubbish or waste to accumulate, collect or lie on property which he or she owns, leases or occupies within the City, in such manner as to interfere with the safety, health or comfort of the public, emit unpleasant odors or be offensive.

(2) No person shall store, maintain, keep or authorize or permit the storage, maintenance or keeping of any abandoned or junk motor vehicle on any private property under his or her ownership, tenancy or control. Any motor vehicle which, for a period of fifteen (15) consecutive days or more does not have an engine in running condition, inflated tires, a battery and current license plate, or which is in fact abandoned by its owner, or which for any reason is not operable and is not repairable, shall be deemed to be an abandoned or junk motor vehicle under this section. This section shall not be deemed to prohibit the storage of such motor vehicles within a fully enclosed building.

(3) Prior to the disposal of any ice box, refrigerator, freezer, oven, stove or similar appliance, all doors, latches and other devices permitting the closure of such appliance shall be removed. Except for appliances to be discarded and modified in accordance with the preceding sentence, no person shall retain, either inside or outside any building or structure, any abandoned or unattended ice box, refrigerator, freezer, oven, stove or similar appliance.

(4) No person shall collect, accumulate or store on property which he or she owns, leases or occupies within the City, scraps of metal, wood (except fireplace wood in current use), glass, fabric or other material.

(c) Abandoned and Unused Structures and Open Excavations

No person shall maintain or permit to remain on land within the City any abandoned or unused structure, or any open excavation, which is a menace or hazard to the safety of children or other members of the public, or which is unsightly or depreciates the general appearance of the neighborhood.

(d) Accumulation of Standing Water

No person who is the owner, lessee or occupant of land within the City shall allow any accumulation of standing water thereon, in such a manner as to endanger the safety, health or comfort of the public, emit unpleasant odors, breed insects or be offensive.

(e) Construction Sites

(1) For purposes of this subsection (e) the term “construction site” shall mean any lot(s) or parcel(s) on which the erection, alteration, repair, reconstruction, conversion, demolition, moving or equipping of any building or structure, or the



excavation, filling or grading of a lot or parcel in connection therewith, is taking place, or for which a site plan approval for any of such activities has been given.

- (2) Any person who owns, controls, or is in possession of a construction site or a building under construction, and any contractor or subcontractor performing work at a construction site or upon a building under construction, shall:
  - (A) provide a receptacle or receptacles at each construction site and building under construction, which shall be of adequate size and dimensions to contain such litter, garbage, debris and waste material as may be found or generated at the construction site or building under construction, and which shall be placed in a location or locations approved by the Director of Public Service of the City of Grosse Pointe Farms;
  - (B) place all litter, garbage, debris and waste material within said receptacle or receptacles;
  - (C) empty said receptacle or receptacles and take the contents thereof to an appropriate and licensed refuse disposal facility whenever the volume of litter, garbage, debris and/or waste material reaches the capacity of said receptacle or receptacles;
  - (D) place all construction materials within the confines of the lot lines applicable to a construction site or building under construction;
  - (E) sweep all streets, roads and sidewalks adjacent to or abutting the construction site or building under construction, not less frequently than once per week, or more frequently if litter shall be dumped, deposited, placed or thrown on said streets, roads or sidewalks;
  - (F) if required by the Director of Public Service of the City of Grosse Pointe Farms in order to preserve public health and safety, install temporary fencing around designated portions of the construction site or building under construction;
  - (G) if required by the Director of Public Service of the City of Grosse Pointe Farms in order to preserve public health and safety, provide and maintain temporary portable toilet facilities at the construction site or building under construction; and

- (H) limit the hours of operation of heavy construction equipment on a construction site to between 8:00 a.m. and 6:00 p.m., Monday through Saturday. "Heavy construction equipment" covered by this restriction shall include (but is not limited to) tractors, excavators, dozers, compactors, graders, cranes, power shovels, power trench machines, material hauling and handling vehicles, and all equipment or vehicles that, under normal use, would generate excessive noise, exhaust, dust, vibration or similar nuisances. Emergency work necessary to preserve public health or safety or to prevent material damage to property (including any adjacent or nearby properties) is not governed by this restriction. In the event that the use of heavy construction equipment outside the permissible hours set forth above is believed to be necessary to complete the construction project, the property owner may apply in writing to the Director of Public Service for a day-to-day expansion of the permissible hours, provided that such application shall include a detailed construction schedule and the reason(s) for the requested expansion of hours.
- (3) Persons who own, control, or are in possession of a construction site or building under construction, as well as contractors and subcontractors performing work at a construction site or upon a building under construction, shall not:
- (A) dump, deposit, place, throw, leave, bury or cause or permit the dumping, depositing, placing, throwing, leaving or burying of litter, garbage, grass clippings, debris or waste material at any construction site or building under construction;
  - (B) transfer any litter, garbage, grass clippings, debris or waste material from one construction site or building under construction to another construction site or building under construction;
  - (C) dump, deposit, place, throw, leave or cause or permit the dumping, depositing, placing, throwing, or leaving of dust, sand, mud, dirt, litter, garbage, grass clippings, debris or waste material on any street, road, sidewalk or premises of adjacent property owners;
  - (D) place or leave any construction materials on any street, road, sidewalk, right-of-way or premises of adjacent property owners;

- (E) fail to remove any litter, garbage, grass clippings, debris or waste material from a construction site, building under construction, or area adjacent thereto, within forty-eight (48) hours after a notice to remove same is served under Section 3 of this Ordinance;
  - (F) fail to remove any dust, sand, mud, dirt, litter, garbage, grass clippings, debris or waste material from a street, road or sidewalk adjacent to or abutting a construction site or building under construction, within forty-eight (48) hours after a notice to remove same is served under Section 3 of this Ordinance; or
  - (G) fail to comply with any requirement issued by the Director of Public Service of the City of Grosse Pointe Farms in accordance with the provisions of this Ordinance.
- (4) No temporary or permanent Certificate of Occupancy for any structure or improvement for which construction has been completed may be issued until all fines assessed under the provisions of this Ordinance have been paid in full.
- (5) The requirements set forth in this Ordinance pertaining to construction sites and buildings under construction shall be in addition to, and not in lieu of, any other requirements of applicable federal, state or local laws, statutes, ordinances, rules, regulations or orders, and compliance with the requirements set forth in this Ordinance or with any directive of the Director of Public Service authorized hereunder shall not relieve any person who owns, controls, or is in possession of a construction site or building under construction, and their contractors and subcontractors, from complying in all respects with such other applicable requirements. Persons who own, control, or are in possession of a construction site or building under construction, and their contractors and subcontractors, shall be responsible for ensuring compliance with all safety precautions at the construction site or building under construction whether or not such precautions may be required under this Ordinance or by the Director of Public Service.

**Section 2.** Any violation of the provisions of Section 1 of this Ordinance shall constitute a public nuisance.

**Section 3.**

(a) Abatement of Nuisances. Any nuisance which violates any provision of this Ordinance shall be subject to abatement under one or more of the following procedures:

- (i) The Director of Public Service or his or her designee is hereby authorized to issue and serve upon a property owner or occupant a notice of violation of any applicable provision of this Ordinance, including a directive to correct or abate such violation within a reasonable period of time as specified in such notice. The owner or occupant may appeal such directive to the City Council by written application filed with the City Clerk within the time period for abatement as specified in such notice (which notice shall advise the owner or occupant of such right of appeal). In connection with any such appeal, the City Council may reverse, affirm or modify the directive issued by the Director of Public Service.
- (ii) The Director of Public Service or his or her designee is hereby authorized to issue and serve appearance tickets upon any person whom the Director of Public Service has reasonable cause to believe has violated any provision of this Ordinance.
- (iii) The City Council may, after reasonable notice, order the abatement of any nuisance which violates any provision of this Ordinance.

If the owner or occupant fails to comply with any order or directive issued by the City Council or the Director of Public Service under subparagraphs (i) or (iii) above, or if the owner or occupant is unknown, the City may abate such nuisance by all necessary means (including without limitation entry upon private property to cut weeds or grass, to remove refuse or rubbish or to otherwise enforce the requirements of this Ordinance).

(b) Liability for Costs. The City shall not be liable in trespass or for any claims of damage in connection with any abatement or enforcement measures undertaken

under subparagraph (a) above. Any and all costs and expenses incurred by the City in connection with such abatement or enforcement measures (including without limitation wages, salaries, benefits, overtime charges, equipment charges or fees of independent contractors) shall be the responsibility of the property owner or occupant that caused or suffered the nuisance condition. A property owner liable for costs under this subparagraph (b) shall, upon demand, reimburse the City in full for all such costs. Upon failure to satisfy such reimbursement obligation in full within thirty (30) days following such demand, the City shall be permitted at any time thereafter to commence a civil action to recover such costs or to assess such costs against the property in accordance with Section 11.9 of the City Charter. In connection with any civil action to recover costs, the City shall be entitled to recover, as a separate item of damages, the actual amount of attorneys' fees and other litigation expenses in connection with such civil action. Any order of abatement under this Section 3, and any civil liability imposed under this Section 3, shall be in addition to, and not in lieu of, any other penalties or responsibilities imposed by this Ordinance or by applicable law for violation of this Ordinance.

(c) Notice. Any notice provided for in this Section 3 may be served on the owner or occupant by delivering a copy to such owner or occupant personally, or by mailing a copy by registered mail to the owner at his or her last known address. If the owner or occupant is not readily available for personal service, and if no mailing address for the owner is readily available, the notice may be served by posting a copy in a conspicuous place on the premises.

**Section 4.** Any person violating any provision of this Ordinance shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court. Each act of violation and every day upon which such violations shall occur shall constitute a separate offense.

**Section 5.** Ordinance No. 7, adopted August 1, 1910, entitled "An Ordinance to Guard Against the Growth of any kind of Thistles and to Guard Against Them spreading in the Village of Grosse Pointe Farms," and Ordinance No. 11, adopted August 7, 1916, entitled "An Ordinance to Guard Against the Growth and Spread of Canada Thistle, Milkweed and other noxious weeds and to provide for the cutting thereof" are hereby repealed.

**Section 6.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 7.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: December 21, 1953

Sec. 1(a) Am. May 6, 1968, Ord. No. 170  
Sec. 1(b) Am. June 20, 1966, Ord. No. 166  
Sec. 1(e) added August 19, 1991, Ord. No. 311  
Sec. 3, 4 Am. August 19, 1991, Ord. No. 311  
Sec. 3 Am. January 23, 1995, Ord. No. 330  
Sec. 1 Am. Sept. 10, 2007, Ord. No. 378  
Technical Amendments, July 9, 2018, Ord. No. 392

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**CODE NO. 7-04 -- DOG ORDINANCE**

**Ordinance No. 90**

**AN ORDINANCE TO REGULATE THE POSSESSING, HARBORING, OWNERSHIP AND RUNNING AT LARGE OF DOGS, TO PROVIDE FOR THEIR VACCINATION AND FOR THE DESTRUCTION OF VICIOUS AND DISEASED DOGS IN THE CITY OF GROSSE POINTE FARMS; TO PROVIDE PENALTIES FOR VIOLATION THEREOF; AND TO REPEAL ORDINANCE NUMBERS 70 AND 84.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** It shall be unlawful for any person to own, possess or harbor a dog, aged six (6) months or more, in the City of Grosse Pointe Farms, without first having obtained a license therefor from the City in compliance with the provisions hereinafter set forth.

**Section 2.** Upon application filed with the City Clerk, giving the full name and residence of the applicant, and the name, breed, age, sex, color and markings of the dog, accompanied by a statement or certificate of a licensed veterinary surgeon showing the dog has been vaccinated and immunized against rabies for the period ending the 1st of May following the date of license, there shall be issued to each applicant a license to own or harbor the dog described in the application within the City for the term commencing from the date of such license and terminating the last day of April following, excepting as herein otherwise provided.

**Section 3.** At the time of issuing such license, the City Clerk shall deliver to each applicant a tag containing the number of the license and with the words "Licensed, Grosse Pointe Farms, Michigan." For each license and tag, the City Clerk shall at the time and before issuing the same and for each renewal thereof collect of each applicant and pay into the City Treasury a fee to be established by the Council of the City from time to time by resolution.

**Section 4.** Any person allowing a dog habitually to remain and be lodged within his or her house, store, building, enclosure or premises shall be considered as harboring or keeping the same within the meaning of this Ordinance.

**Section 5.** Repealed by Ordinance No. 198.

**Section 6.** No person shall own, feed or harbor a dog which by loud or frequent or habitual barking, yelping or howling, shall cause serious annoyance to a neighborhood or to passersby. No

person owning, feeding or harboring a dog shall permit such dog to deposit animal excretion of any type upon a highway, street, sidewalk or other public place or private property other than the private property of the person owning, feeding or harboring such dog. No violation will occur if such excretion is removed immediately.

**Section 7.** Repealed by Ordinance No. 198.

**Section 8.** Repealed by Ordinance No. 198.

**Section 9.** It shall be the duty of every member of the Public Safety Department of the City of Grosse Pointe Farms, and every other person who may be appointed by the City Council for that purpose, promptly to seize, take up and deliver to the animal control officer or place in the City pound, all dogs that may be found running at large, harbored or owned contrary to the provisions of this Ordinance. The owner of any dog seized, if known, shall be promptly notified of such seizure.

**Section 10.** It shall be the duty of the Public Safety Department to cause any and every dog so impounded, seized or delivered as provided in Section 9 hereof, that has not been vaccinated as provided in Section 2 hereof, to be vaccinated by a licensed veterinarian, unless said dog is to be destroyed under the provisions of this Ordinance; and no such dog shall be released that has not been vaccinated. No such dog shall be released unless the owner or person entitled to demand the same shall pay to the Public Safety Department a fee determined by the City Council for such impounding, together with the actual expenses of the City and/or veterinarian for the care, custody and feeding of such dog during such impounding, including any vaccination expenses, and shall procure and produce a proper license for said dog in the event that such dog shall not have already been duly licensed. All moneys collected by the Public Safety Department shall be promptly paid into the City Treasury.

**Section 11.** If the Public Safety Department is unable to seize a dog found running at large, harbored or owned contrary to the provisions of this Ordinance, a violation notice in form used by the Violation Bureau of the Public Safety Department may be delivered to the owner, harbored or keeper of such dog, or left at his or her residence or place of business, giving notice of the violation of this Ordinance and that a warrant will be asked for against such owner, harbored or keeper unless he or she appears in the Violation Bureau of the Public Safety Department within seventy-two (72) hours and pays a fine to be established by the City's Municipal Court for the first three (3) violations during a license year, such fine to be determined by the City's Municipal Court for each violation thereafter, and satisfying the Public Safety Department that such owner, keeper or harbored of such dog has otherwise complied with the provisions of this Ordinance. All moneys collected by the Public Safety Department shall be promptly paid into the City Treasury.



**Section 12.** Not more than three (3) violations of this Ordinance during the current license year by the same owner, harborer or keeper of a dog may be settled in the Violation Bureau of the Public Safety Department.

**Section 13.** All dogs not claimed and not released within seventy-two (72) hours after being seized, delivered or impounded or after they are subject to release may be destroyed by a licensed veterinarian or the same may be sold at the pound or place of business of such veterinarian by a public auction to the highest bidder, at the hour of noon next succeeding the said seventy-two (72) hours, or otherwise disposed of. Provided that dogs impounded having been exposed to rabies, or any dog that has attacked a person, shall be kept for such time and under such conditions as shall be required by the licensed veterinarian.

**Section 14.** The Director of Public Safety shall, from time to time, appoint one or more qualified and licensed veterinarians in or near the City of Grosse Pointe Farms to provide the services required under this Ordinance.

**Section 15.** The remains of all dogs that have been destroyed shall be disposed in such manner as shall be designated by the Director of Public Service. The owner of such dog shall pay the actual expenses of the City and/or veterinarian for the destruction and disposal of such dog.

**Section 16.** Any person or persons violating any of the provisions of this Ordinance, shall be deemed responsible for a civil infraction, and upon a finding of responsibility shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) for each violation.

**Section 17.** Ordinance No. 70 adopted February 28, 1944 entitled "An ordinance to regulate the possessing, harboring, ownership and running at large of dogs, to provide for their vaccination and to provide for the destruction of vicious and diseased dogs in the City of Grosse Pointe Farms," as amended by Ordinance No. 84 adopted April 25, 1949, is hereby repealed.

**Section 18.** This Ordinance shall take effect May 1, 1951.

Enacted: April 9, 1951

Sections 1,3,5,10,11,12 and 16 Amended May 3, 1971, Ord. No. 178

Sections 5,7,8 Amended August 5, 1974, Ord. No. 198

Section 6 Amended November 6, 1978, Ord. No. 228

Section 10 Amended November 20, 1961, Ord. No. 151

Section 16 Amended November 19, 2012, Ord. No. 383

Technical Amendments, July 9, 2018, Ord. No. 392

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**CODE NO. 7-05 -- ANIMAL REGULATION**

**Ordinance No. 198**

**AN ORDINANCE TO REGULATE THE KEEPING OF ANIMALS WITHIN THE CITY; AND TO REPEAL ORDINANCE NOS. 95 AND 181.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Definitions**

(a) For the purposes of this Ordinance, the term "pet" shall mean any domesticated animal (including without limitation mammals, birds and fish) which is kept primarily for pleasure rather than for utility or profit and which is of a species that is not generally regarded as being dangerous or posing a threat to the health or safety of persons or property.

(b) the term "wild animal" shall mean any animal not properly regarded as a pet.

(c) the term "vicious dog" shall mean any dog which, although unprovoked, approaches upon any street, sidewalk or other public place, in a vicious or terrorizing manner, any person in apparent attitude of attack, or any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury to or otherwise endanger the safety of human beings or domestic animals, or any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property, or any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting. Notwithstanding the foregoing, no dog shall be declared vicious by reason of any injury or damage sustained (i) by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime, or (ii) by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog, or (iii) by a person or a domestic animal if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(d) the term "owner" shall mean any person owning, maintaining, keeping or harboring a vicious dog within the City of Grosse Pointe Farms."

**Section 2.** No person shall keep, maintain or harbor any wild animal within the City.

**Section 3.** No person shall keep, maintain or harbor any pet which by its demeanor, conduct or natural instinct poses a threat to the personal safety or property of residents of the City. No person shall own, harbor or keep any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to attack without provocation human beings or domestic animals.

**Section 4.** No person shall keep, maintain or harbor any pet which by its odor, noise, appearance or otherwise constitutes a public nuisance. No person shall entice or encourage (whether by feeding, harboring or other means) the presence within the City of any wild animals which by odor, noise, appearance or otherwise would constitute a public nuisance. Without limiting the generality of the preceding sentence, the feeding of any pigeons (except carrier pigeons as permitted under Section 5), chickens, geese, ducks, crows or seagulls within the City is declared to be contrary to the public health and enjoyment of residents of the City, and such conduct shall constitute a violation of this Ordinance. A bird feeder may be utilized so long as it is properly maintained and does not create a public nuisance at adjacent properties. All provisions of the City's Public Health Ordinance (being Ordinance No. 182; Code No. 9-03) shall be fully applicable to the maintaining of animals within the City, and any violation thereof shall constitute a violation of this Ordinance.

**Section 5.** No horses, ponies, donkeys, cattle, swine, sheep, goat, pigeons, chickens, geese or ducks shall be kept, maintained or harbored in the City. Carrier pigeons may be kept with the prior written permission of the Director of Public Service under such standards as may be necessary to protect public health and safety.

**Section 6.** No person shall keep, maintain or harbor any squirrel, rat or snake in the City except in connection with a biology exhibit or experiment conducted at and with the approval of the principal or headmaster of an accredited school.

**Section 7.** No person shall allow any pet which is kept, maintained or harbored by him or her to run free in any public place or upon any private property not owned or rented by such person except when held securely by a leash of suitable strength and length by such person or other person capable of restraining such pet or when confined securely in a shipping receptacle or closed motor vehicle; provided further, that no such pet shall be permitted at any time to be in any public place or on private property not owned or rented by such person unless such pet shall have been immunized against rabies.

**Section 8.** Any person who shall have in his or her possession or control an animal which has contracted rabies or which has been subjected to the same or which is suspected of having

rabies or which shall have bitten any person shall immediately deliver such animal to a licensed veterinarian and in default thereof such animal may be seized by or for the City's Animal Control Officer and the owner of such animal, if known, shall be promptly notified.

At the expense of such owner a licensed veterinarian appointed by the Director of Public Safety shall test such animal for existence of rabies and any other diseases which, given the species of animal involved, would pose a health hazard to persons coming into contact therewith. If at the conclusion of such tests it appears that such animal is afflicted with rabies or other hazardous disease, or if the animal is not a pet, or if a pet which has bitten any person and while in the custody of the Animal Control Officer or veterinarian demonstrates a fierce or vicious nature, it shall be destroyed; otherwise, it shall be returned to the owner following payment by the owner of any costs incurred by the City or the veterinarian for the seizure, examination and/or treatment of such animal.

**Section 9.** No person shall keep, maintain or harbor:

- (a) more than two dogs; or
- (b) more than two cats; or
- (c) more than a total of two dogs and two cats.

Provided, however, that additional pets may be maintained on the basis of one such additional dog or cat for each 10,000 square feet of property (in addition to that required by the City's Zoning Ordinance) owned by the pet owner and maintained as a part of his or her residence, and if the Director of Public Safety or his or her duly designated representative shall determine that (1) the place or places where such pets are to be kept is of adequate size, design and location; (2) adequate ventilation and sanitary equipment and facilities are to be provided so that no offensive odors or noise will result, nor any hazard to the health, safety or welfare of any resident of the City will be created thereby; and (3) sufficient distance and seclusion from adjoining property exists so that the maintenance of such additional pet will not constitute a nuisance to contiguous or adjoining property.

**Section 10.** The limits which apply in Section 9 above may be utilized by no more than one person at any residence. A person having a number of pets in excess of the total permitted by this Ordinance at the time of enactment of this Ordinance, as indicated by the licensing records of the City, or by affidavit submitted to the City offices within thirty (30) days thereafter or by proof beyond a reasonable doubt by such person, may continue to maintain such pets but may not replace them. Offspring of pets not exceeding twelve weeks of age are exempt from the limits provided by this section.

**Section 11.** No owner shall fail to exercise proper care and control of his or her pets to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance and a violation of this Ordinance.

**Section 12.** No person shall raise pets in any residential zoning district of the City as a business or for sale for profit.

**Section 13. Regulation of Vicious Dogs.**

A. Determination of a Vicious Dog. The Animal Control Officer or any public safety officer shall investigate all complaints of a vicious dog. In the event that the Animal Control Officer or any public safety officer has reasonable cause to believe that a dog is vicious, he or she shall institute proceedings in municipal court requesting the court to conduct a hearing on whether or not the dog should be declared vicious under this Ordinance. The issue of whether the dog is a vicious dog within the meaning of this Ordinance shall be decided based upon the preponderance of the evidence. If the court rules the dog to be vicious, it may order the dog be confined to the owner's premises or euthanized. The court may establish a time schedule to insure compliance with this Ordinance, but in no case shall such time exceed thirty (30) days after the date of the court's determination. Court costs for such action shall be taxed against the owner of the dog.

The court may decide all issues for or against the owner of the dog regardless of the fact that the owner fails to appear at said hearing, and the determination of the court shall be final and conclusive upon all parties thereto. In the event that the Animal Control Officer or any public safety officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Animal Control Officer or public safety officer may seize and impound the dog pending the hearing. The owner of the dog shall be liable to the City for the costs and expenses of seizing and keeping such dog.

B. Requirements for Registration Upon a finding by the court that a dog is vicious, its owner shall comply with the following requirements for licensing:

1. License Application. The owner shall apply to the City Clerk for a vicious dog license which shall be valid for one year from the date of its approval provided all conditions of this Ordinance and applicable court orders have been met. The license shall be renewable for successive one year periods provided that the dog is to be kept on the same premises under the same conditions and its owner has not violated any condition of

this Ordinance or any court order during the previous twelve (12) month period. No such license shall be transferable to a new owner of the dog or to a new location or address where the dog will be kept.

2. Insurance. Prior to the receipt of a license, the owner shall present to the City Clerk proof that the owner has procured liability insurance in the amount of at least Five Hundred Thousand Dollars (\$500,000.00) covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision naming the City as an additional insured and shall provide that the City shall be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy. In addition, the owner shall sign a statement attesting that the owner shall maintain and not voluntarily cancel the liability insurance during the twelve (12) month period for which licensing is sought, unless the owner shall cease to keep or harbor the vicious dog prior to expiration of such license.

3. Tattooing Dog. Prior to the receipt of a license, the owner shall, at his or her own expense, have the licensing number or such other identification number as the City of Grosse Pointe Farms Public Safety Department shall assign to such vicious dog, tattooed upon such vicious dog by a licensed veterinarian or person trained as a tattooist and authorized as such by the Public Safety Department. The tattoo shall be placed either on the upper inner lip or upper left rear thigh of the vicious dog. The assigned veterinarian may, in his or her discretion, designate the particular location of said tattoo. Said number shall be noted on the City licensing files for such vicious dog, if it is different from the license number of such vicious dog. For the purpose of this section "tattoo" shall be defined as any permanent numbering of a vicious dog by means of indelible or permanent ink with the number designated by the licensing authority or any other permanent, acceptable method of tattooing.

4. Signs. Prior to the receipt of a license, the owner shall display a sign in a prominent place on his or her premises warning of a vicious dog on the premises. Said sign shall be provided by the City. Said sign shall be visible and capable of being read from any adjacent public right of way.

5. Confinement of Vicious Dog. Prior to the receipt of a license, the owner shall provide for the confinement of the vicious dog. If the vicious dog is to be confined outdoors, the dog shall be confined to a pen or structure with secure sides and top attached to the sides. The structure shall have a secure bottom or floor attached to the sides of the pen or the structure shall be embedded in the ground no less than two feet.

The structure shall be constructed in accordance with standards set forth in the City of Grosse Pointe Farms Building Code, and shall be constructed of materials and be designed so as to prevent any escape of the animal or entry of young children. In addition, the size and location of the structure shall comply with the provisions of the Zoning Ordinance of the City of Grosse Pointe Farms, including lot coverage and setback requirements, applicable to accessory structures. The owner shall keep the structure locked with a padlock or keylock at all times that the vicious dog is kept inside the structure, and shall keep the structure adequately lit and in a clean and sanitary condition.

If the vicious dog is to be confined indoors, the vicious dog shall not be kept on a porch or patio or in any other part of a house or structure that would allow the dog to exit of its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting.

6. Identification Photographs. Prior to the receipt of a license, the owner shall provide the Public Safety Department with two recent color photographs of the vicious dog which clearly show the color and approximate size of the animal.

7. License Fee. The owner shall pay a license fee in an amount established from time to time by resolution of the City Council.

C. Control of Vicious Dogs. All vicious dogs shall be confined as described in Section 13.B.5 of this Ordinance. It shall be unlawful for any owner to maintain a vicious dog upon any premises which does not have a locked enclosure, unless such vicious dog is at all times maintained in the owner's dwelling.

It shall be unlawful for any owner to allow any vicious dog to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain the veterinary care for the vicious dog or to sell or give away the vicious dog or to comply with commands or directions of the court, the Animal Control Officer or any public safety officer with respect to the vicious dog, or to comply with the licensing provisions of this Ordinance. In such event, the vicious dog shall be securely muzzled and restrained with a choker chain and leash having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length. The muzzle shall be made and fitted in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal. The animal shall be under the direct control and supervision of the owner of the vicious dog or his or her agent, either of whom shall be, in any event, a person not younger than eighteen (18) years of age and physically capable of restraining the animal.



D. Reporting Requirements. An owner shall notify the City of Grosse Pointe Farms Public Safety Department immediately upon discovery that a vicious dog is on the loose, is unconfined, has attacked another animal or a human being, or has been stolen. An owner shall notify the City Clerk in writing within one day if the vicious dog has been sold or given away or has died, and, if the vicious dog has been sold or given away to a new owner residing within the City of Grosse Pointe Farms, the owner shall also provide the City Clerk with the name, address and telephone number of the new owner of the vicious dog.

E. Penalties for Violation:

1. Failure to Comply/Show Cause Hearing. Upon an owner's failure to comply with any condition in the court order finding a dog to be vicious, the Animal Control Officer or any public safety officer shall confiscate the dog and impound same pending a hearing requiring the owner of the dog to show cause why the dog should not be immediately destroyed. The owner of the dog shall be liable to the City for the costs and expenses of seizing and keeping such dog. Failure to comply shall, among other things, include:

- (i) the failure to obtain a vicious dog license in accordance with Section 13.B of this Ordinance;
- (ii) the failure to secure liability insurance in accordance with Section 13.B of this Ordinance;
- (iii) the failure to confine the vicious dog to the premises with appropriate signage in accordance with Section 13.B of this ordinance;
- (iv) the dog's presence outside of the owner's dwelling or the enclosure except as provided in Section 13.C of this ordinance;
- (v) the failure to tattoo the dog and provide identification photographs in accordance with Section 13.B of this ordinance; or
- (vi) the failure to comply with the reporting requirements of Section 13.D of this ordinance.

2. Vicious Conduct/Show Cause Hearing. If any vicious dog shall, when unprovoked, kill, wound or assist in killing any domestic animal belonging to or in the possession of any person, or if any vicious dog shall, although unprovoked, attack,

assault, wound, bite or otherwise injure a human being, the Animal Control Officer or any public safety officer shall confiscate and impound the vicious dog pending a hearing within seven (7) days requiring the owner of the dog to show cause why the dog should not be destroyed. The owner of the dog shall be liable to the City for the costs and expenses of seizing, keeping and (if applicable) destroying such dog.

**Section 14.** Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction, and upon a finding of responsibility shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) for each violation. Continuing acts of violation and every day upon which such violations shall occur after the first finding of responsibility may be punished as separate infractions. A person charged with violation of this Ordinance may rebut the presumption by affirmatively proving beyond a reasonable doubt that continued violation of this Ordinance in the manner charged cannot have any adverse impact upon public health, safety or general welfare.

**Section 15.** Ordinance No. 181, adopted November 21, 1971, and Ordinance No. 95, adopted February 16, 1953, and sections 5, 7 and 8 of Ordinance No. 90, adopted May 1, 1951, as amended, are hereby repealed.

**Section 16.** If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 17.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: August 5, 1974

Sections 1, 3 and 13 Amended November 14, 1988, Ord No. 295.

Sections 4 and 5 Amended September 9, 2002, Ord. No. 363

Section 14 Amended November 19, 2012, Ord. No. 384

Technical Amendments, July 9, 2018, Ord. No. 392

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**CODE NO. 7-06 -- CONTROL OF PUBLIC RIGHTS OF WAY**

**Ordinance No. 100**

**AN ORDINANCE TO PROHIBIT DEPOSITS AND ACCUMULATIONS, AND STRUCTURES, AND TO CONTROL PLANTING ON PUBLIC RIGHTS OF WAY, AND TO REPEAL ORDINANCE NO. 59.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** No person shall throw, place or leave in or upon any street, lane, alley, or public sidewalk in the City of Grosse Pointe Farms any refuse, rubbish, brush, leaves, grass cuttings, snow, garbage or waste, or any glass, nails, tacks or other substances likely to injure the tires of automobiles or other vehicles. Refuse, rubbish, brush, leaves, grass cuttings or similar waste may not be placed or left on the public right of way except as permitted by ordinance.

**Section 2.** No person shall erect or maintain any fence, wall or other structure in or upon any street, lane, alley, sidewalk or public right of way in the City of Grosse Pointe Farms. Sprinkler heads and other facilities which are a part of a private lawn sprinkling system may be placed in the public right of way, but any damage to such facilities placed in the public right of way from construction or maintenance by the City within the public right of way shall be the expense and liability of the owner of such sprinkling system.

**Section 3.** All trees and shrubs and other plantings in public rights of way shall be subject to the following regulations:

- (a) The Director of Public Service (hereinafter referred to as the "Director"), or such other City employee as may be designated by the City Manager, shall have control over all trees, shrubs and other plantings located within the street rights of way in the City, and the planting, care and removal thereof subject to the regulations contained herein.
- (b) No person shall break, injure, mutilate, kill or destroy any tree or shrub, or set any fire within ten (10) feet of any tree, or permit any fire, or the heat thereof, to injure any portion of any tree. No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any tree. No electric wires, gas pipes or mains, or any other lines, wires or pipes shall be permitted to come in contact with any tree or shrub in any manner that shall cause damage thereto. No person shall use any

- tree as an anchor except by special written permit from the Director, and no material shall be fastened to or hung on any tree.
- (c) Excavations and driveways shall not be placed within five (5) feet of any tree without written permit from the Director. Any person making such excavation or construction shall guard any tree within six (6) feet thereof with a good substantial frame box to be approved by the Director, and all building material or other debris shall be kept at least four (4) feet from any tree. All persons desiring to make such excavation or construction shall deposit with the City a sum sufficient to cover the cost of inspection and any damage which may result therefrom as determined by the Director.
- (d) No person shall place within the street right of way any stone, brick, sand, concrete or other material which will in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, except a sidewalk of authorized width and location.
- (e) The owner of land abutting on any street may, upon obtaining prior written permission of the Director, prune, spray, plant or remove trees in that part of the street abutting his or her land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree in any street or park (except that a permit will not be required for necessary ordinary maintenance of such trees). Every such permit shall specify the extent of the authorization and the conditions to which it is subject. Where an owner of abutting property requests the removal of a tree, the Director is authorized, in his or her discretion, to require as a condition to granting of approval for such removal, that such property owner make the removal in accordance with regulations established by the Department and assume all or any part of the cost of removing such tree. Where the requested removal is for the purpose of enabling the abutting owner to construct sidewalks, drives or other structures for his or her own private purposes, the Director shall require a deposit equal to the replacement value of the tree or trees, in an amount to be determined by the Director. Sums so deposited shall be paid to the City Treasurer and shall be used, first, for the planting of a tree in front of the lot from which such tree was removed if such replacement is considered by the Director advisable or desirable; otherwise, to be used for planting a tree or trees on a street or public place where needed.
- (f) The Director may remove, or cause to order to be removed, any tree or part thereof which is in an unsafe condition, or which is of a prohibited species, or is affected with any injurious disease, fungus, insect or other pest. Whenever the City shall remove any tree, plant or shrub, solely for the purpose of constructing any public work, the Director

shall, if practicable, replace the same at public expense, at some nearby location by planting another tree, plant or shrub, not necessarily of the same type.

**Section 4.** An appeal to the City Council may be taken seeking a modification of the requirements of Section 2 of this Ordinance regarding the erection or maintenance of a fence or a reversal of any action of the administrative officers of the City denying a permit to erect or maintain a fence under Section 2 of this Ordinance. Appeals must be in writing and must be filed within ten (10) days after the decision appealed from is mailed or otherwise communicated to the applicant by the City. Upon such appeal, the City Council may reverse, modify, or affirm the action of the administrative officers or may, in its discretion, reduce or modify the requirements of this Ordinance in individual cases, where it determines that such action will not impair the general effect and intent of this Ordinance, (a) in any situation of unusual practical difficulty or unnecessary hardship, or (b) in the general interest of the public safety, comfort, convenience, or the protection or property values.

**Section 5.** Any violation of the provisions of this Ordinance shall constitute a public hazard and nuisance.

**Section 6.** The City Council may order the abatement of any condition which violates the provisions of this Ordinance, and if the owner of the abutting property fails to comply with such order within the time for compliance stated therein, may abate such condition and assess the cost thereof against the abutting property in accordance with Section 11.9 of the City Charter. An order of abatement under this Section 6 shall be in addition to and not in lieu of the penalties provided by this Ordinance or by law for violation of this Ordinance. A copy of the order provided for in this section shall be served on the owner of the abutting property by delivering a copy to such owner personally, or mailing a copy to his or her last known address by registered mail. If the owner is not readily available for personal service, and no mailing address is readily available, or if the owner is unknown, the order may be served by posting a copy in a conspicuous place on the abutting premises.

**Section 7.** Any person violating any provision of this Ordinance shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

**Section 8.** Ordinance No. 59, adopted October 7, 1940, entitled "An Ordinance to Prevent Deposits and Accumulations upon Public Streets, Highways, and Other Public Places and upon Private Places and Premises in the Village of Grosse Pointe Farms" is hereby repealed.

**Section 9.** If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 10.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: February 16, 1953

Section 1 Amended June 13, 1988, Ord. No. 291  
Sections 2 & 3 Amended September 13, 1965, Ord. No. 164  
Section 7 Amended June 13, 1988, Ord. No. 291  
Section 4 Added November 13, 1989, Ord. No. 301  
Technical Amendments, July 9, 2018, Ord. No. 392

**CODE NO. 7-07 -- GENERAL OFFENSES ORDINANCE**

**Ordinance No. 185**

**AN ORDINANCE DEFINING GENERAL OFFENSES; PROVIDING PENALTIES FOR THE COMMISSION THEREOF; AND REPEALING ORDINANCE NOS. 81, 98, 60 AND 97.**

The City of Grosse Pointe Farms Ordains:

**Chapter 1  
GENERAL PROVISIONS**

**Section 1. Construction Of Terms.**

(a) When the term "person" is used in this Ordinance to designate the party whose property may be the subject of any offense, such term shall be construed to include the United States, State of Michigan or any other municipal, public or private corporation, which may lawfully own any property within the City, as well as individuals. When the term "person" is used in this Ordinance to designate a party whose actions violate a provision of this Ordinance, such term shall include the officers of any corporation or professional corporation, or in the case of a non-incorporated association, partnership, limited partnership, limited liability company, professional limited liability company, limited liability partnership, professional limited liability partnership, club, joint venture, estate, trust or other entity, those persons under whose direction or control such act was committed.

(b) When the term "legal age of majority" is used in this Ordinance to designate the age of a person who may be the subject of any offense, such term shall be construed to mean eighteen (18) years of age; provided, however, that when the term "legal age" is used in this Ordinance to designate the age of a person who may be the subject of an offense related to the possession or consumption of alcoholic beverages by such person, such term shall be construed to mean twenty-one (21) years of age until and unless the legal age for possession and consumption of alcoholic beverages under the Michigan Constitution is changed, and after the effective date of such change, if any, such term shall be construed to mean the age specified by the modified Michigan Constitution or other applicable state law.

**Section 2. Aiding Or Abetting.** Every person who shall wilfully conceal, advise, assist, aid or abet any other person in the commission of any of the offenses named in this Ordinance, shall, upon conviction thereof, be punished in the same manner as the principal offender would have been punished upon conviction.

**Section 3. Punishment For Attempted Offense.** Every person who shall attempt to commit any offense prohibited by this Ordinance, and in such attempt shall do any act toward the commission of such an offense but shall fail in the perpetration thereof, or shall be prevented or intercepted in executing the same, upon conviction thereof, shall, in case where no provision is made by Ordinance for the punishment of such attempt, be punished in the same manner as for the commission of the offense so attempted.

**Section 4. No Conviction For Attempt Of An Offense Perpetrated.** No person shall be convicted of an attempt to commit any offense when it shall appear that the offense attempted to be committed was perpetrated by such person at the time of such offense.

## Chapter 2 OFFENSE AGAINST PERSONS AND PROPERTY

**Section 1. Admission Fees, Fraudulently Avoiding Payment Of.** It shall be unlawful for any person fraudulently to enter without payment of the proper admission fee, any theater, dance, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of law enforcement officers or emergency personnel engaged in the performance of public safety duties to any place of public entertainment or amusement.

**Section 2. Alcoholic Beverages, Attempts To Purchase.** It shall be unlawful for any person under the legal age to falsely represent himself or herself to be of the legal age or over when purchasing, offering to purchase or attempting to purchase or procure beer, wine, whiskey or other alcoholic beverages or to give any false information regarding his or her age to any law enforcement officer or to any person selling beer, wine, whiskey or other alcoholic beverages for the purpose of securing a sale thereof to himself or herself.

**Section 3. Alcoholic Beverages, False Representation.** It shall be unlawful for any person to make any false representation in order to procure the sale or furnishing of beer, wine, whiskey or other alcoholic beverages to any person under the legal age.



**Section 4. Alcoholic Beverages, Furnishing To Minors.** It shall be unlawful for any person, firm, corporation, partnership, limited liability company, trust, association or other entity to give away, sell, barter or furnish any beer, wine, whiskey or other alcoholic beverages to any person under the legal age.

**Section 5. Alcoholic Beverages, Prohibited Use By Minors.** It shall be unlawful for any person under the legal age to have in his or her possession or to partake, drink, consume, or indulge in the use of any beer, wine, whiskey or other alcoholic beverages on any public street, right-of-way, automobile, park or other lands used for public purposes, or in any public building or public place of business.

**Section 6. Alcoholic Beverages, Prohibited In Vehicles.** It shall be unlawful for any person under the legal age to purchase, or knowingly possess, transport, or have under his or her control in any vehicle any beer, wine, whiskey or other alcoholic beverages, unless such person is employed by a licensee under a license issued by the Michigan Liquor Control Commission, and is possessing, transporting or having such alcoholic beverages in a vehicle under his or her control during regular working hours and in the course of his or her employment. The mere presence of alcoholic beverages of any type in a motor vehicle shall constitute a per se violation for the purpose of this Section.

**Section 7. Assault.** It shall be unlawful for any person to threaten or to attempt to, or to beat, strike, wound or inflict violence upon another person except in defense of his or her person or property, and then only to the extent necessary to provide such defense.

**Section 8. Arson.** It shall be unlawful for any person to commit arson, which is hereby defined as to maliciously or deliberately set fire to or burn or cause to be burned, or aid, counsel or procure the burning of any dwelling, building, structure or other valuable real or personal property of either himself (or herself) or others.

**Section 9. Battery.** It shall be unlawful for any person to commit battery. A person commits battery if he or she intentionally or knowingly without legal justification and by any means causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual.

**Section 10. Breaking And Entering Coin Box, Parking Meter or Vending Machine.** It shall be unlawful for any person to maliciously or wilfully, by and with the aid and use of any key, instrument, device or explosive, blow or attempt to blow, or force or attempt to force, an entrance into any coin box, depository box, newspaper coin box, parking meter, vending machine or other receptacle established and maintained for the convenience of the public, or for any person to extract

or obtain, or attempt to extract or obtain therefrom, any such money or thing of value so deposited or contained therein.

**Section 11. Checks Without Sufficient Funds.** It shall be unlawful for any person, with intent to defraud, to make, or draw, or utter, or deliver any check, draft or order for the payment of money, to apply on account or otherwise, upon any bank or other depository or financial institution, knowing at the time of such making, drawing, uttering or delivering that the maker or drawer has not sufficient funds in, or credit with, such bank or other depository or financial institution for the payment of such check, draft or order in full upon its presentation.

**Section 12. Evidence Of Intent To Defraud.** As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee when presented in the usual course of business, shall be prima facie evidence of intent to defraud, and of knowledge of insufficient funds in, or credit with, such bank or other depository or financial institution, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all costs and protest fees, within five (5) days after receiving notice that such check, draft or order has not been paid by the drawee.

**Section 13. Notice Of Intent To Defraud.** Where such check, draft or order is protested on the grounds of insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, non-payment and protest, and shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds or credit with such bank or other depository or financial institution.

**Section 14. Credit Construed.** The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depository or financial institution for the payment of such check, draft or order in full upon presentation thereof for payment.

**Section 15. Credit Cards, Debit Cards, ATM Devices, Possession And Use.** It shall be unlawful for any person to have in his or her possession, to use or attempt to use, any credit card, debit card, automatic teller machine device, or any other form of credit identification, in each case belonging to any other person without such other person's permission.

**Section 16. Disorderly Persons.** It shall be unlawful for any person to be a disorderly person. A person is a disorderly person if the person is any of the following:

- (a) A person of sufficient ability who refuses or neglects to support his or her family.

- (b) A prostitute.
- (c) A window peeper.
- (d) A person who engages in an illegal occupation or business.
- (e) A person who is intoxicated in a public place and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance.
- (f) A person who is engaged in indecent or obscene conduct in a public place.
- (g) A vagrant.
- (h) A person found begging in a public place.
- (i) A person found loitering in a house of ill fame or prostitution or place where prostitution or lewdness is practiced, encouraged or allowed.
- (j) A person who knowingly loiters in or about a place where an illegal occupation or business is being conducted.
- (k) A person who loiters in or about a police station, police headquarters building, public safety building, city jail, hospital, court building or other public building or place for the purpose of soliciting employment of legal services or the services of sureties upon criminal recognizances.
- (l) A person who is found jostling or roughly crowding people unnecessarily in a public place.

**Section 16(a). Drug Intoxication.** It shall be unlawful for any person to be under the influence of any narcotic drug, dangerous drug or controlled substance as proscribed by Michigan or federal law at any place in the City.

**Section 17. False Pretenses.** It shall be unlawful for any person to obtain any food, drink, goods, wares or merchandise under false pretenses, or to enter any public place and call for refreshments or other articles and receive and refuse to pay for same, or depart without paying for or satisfying the person (including, but not limited to, owners, employees, waiters, waitresses, etc.) from whom he or she received the food, drink, goods, wares or merchandise.

**Section 18. Fighting.** It shall be unlawful for any person to fight, wrestle (other than a sanctioned athletic contest) or engage in fisticuffs with another person on public or private property within the City without prior written approval of the Public Safety Department.

**Section 19. Weapon Aiming.** It shall be unlawful for any person except law enforcement officers to intentionally, without malice, point or aim any firearm, taser, air rifle, air pistol, sling shot, bow and arrow, or other dangerous device capable of propelling a projectile (hereinafter in this Ordinance each of said devices is referred to as a "firearm") at or toward any other person whether or not such firearm is loaded.

**Section 20. Firearm, Aiming And Discharging.** It shall be unlawful for any person except law enforcement officers to discharge without injury to another person, any firearm while unintentionally, without malice, aiming at or towards any person.

**Section 21. Firearm, Discharge Of.** It shall be unlawful to discharge any firearm in the City except when lawfully acting in the defense of persons or property, or the enforcement of law, or at a contest at an established range, the operation of which has been approved in writing by the Director of Public Safety.

**Section 22. Firearm, Injury By Discharge.** It shall be unlawful for any person to maim or injure any other person by the discharge of any firearm pointed or aimed unintentionally, without malice, at any such person.

**Section 23. Firearm, Possession Or Control of While Intoxicated.** It shall be unlawful for any person, while under the influence of intoxicating liquor or any exhilarating or stupefying drug or other controlled substance, to carry, have in possession or control, or use in any manner, or discharge any firearm.

**Section 24. Firearms, Sale To Minors.** It shall be unlawful for any person under eighteen (18) years of age to purchase any firearm. It shall be unlawful for any person under eighteen (18) years of age to transport a firearm on any public street or in any public place unless such person be accompanied by a parent or guardian and such transportation be to or from a duly constituted target range, or location for hunting if such person has in his or her possession a valid and current Hunting License issued by State authority.

**Section 25. Firearms, Transporting.** It shall be unlawful for any person to transport or to have in his or her possession in or upon any vehicle a firearm unless the same be unloaded in both barrel and magazine and carried in the luggage compartment of the vehicle or a rear portion of the vehicle that is not occupied by any passengers. It shall be unlawful to carry a firearm on any public

street or in any public place unless it is unloaded and in a case. Law enforcement officers and persons in military service in pursuit of official duty, and persons duly authorized by Federal or State law to carry firearms, are exempt from the provisions of this Section.

**Section 26. Frauds, Unlawful.** It shall be unlawful for any person to engage in any fraudulent scheme, device or trick to obtain money or other valuable things, or to aid or abet, or in any manner to be concerned therein.

**Section 27. General Offense.** It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by Michigan law, insofar as such laws are applicable to municipal government.

**Section 28. Harassing Or Indecent Telephone Calls.** No person shall harass, annoy or molest any other person or his or her family by telephoning, or causing to be telephoned, such other person or any member of his or her family, whether or not conversation ensues and regardless of the time of day or night, except for lawful business purposes. Nor shall any person use any threatening, vulgar, indecent, obscene, immoral, suggestive or insulting language over any telephone.

**Section 29. Boisterous Activities.** It shall be unlawful for any owner, occupant, guest, tenant or person in apparent possession of any premises within the City to permit any activity within said premises to become so loud, noisy or boisterous so as to disturb the peace and quiet of the surrounding area.

**Section 30. Long Knives, Prohibited From Possession Or Carrying.** It shall be unlawful for any person to have in his or her possession or control, except within his or her own domicile, or carry or use in any manner, any knife, dagger, dirk, razor, stiletto or any other sharp edged or pointed instrument or weapon in excess of three (3) inches in length; provided, however, that such person shall not be in violation of this Section if the possession of such knife, dagger, razor, stiletto or any other sharp-edged or pointed instrument is necessary for his or her employment, trade or occupation, or if he or she is engaged in or is proceeding to or returning from a place of hunting, trapping or fishing and, whenever required, is also carrying a currently valid license issued to him or her by applicable State authority, or if such person is a duly enrolled member of the Boy Scouts of America or a similar organization or society and such possession is necessary to participate in the activities of such organization or society, or if said knife, dagger, dirk, razor, stiletto or any other sharp-edged pointed instrument is required under circumstances that tend to establish that its possession is for a lawful purpose not, however, to include self defense or amusement.

**Section 31. Malicious Injury Or Destruction Of Property.** It shall be unlawful for any person to maliciously or wilfully injure, destroy, remove, damage, alter or in any manner deface any property not his or her own, or any school building or any public building, bridge, fire hydrant, alarm box, street light, street sign, traffic control device, parking meter, or any tree, bush, shrub or other vegetation belonging to the City or located in the public places of the City;

Or mark or post hand bills on, or in any manner mar or deface the walls of any public building, or fence, tree or pole within the City, or destroy, take or meddle with any property belonging to the City, or remove the same from the building or place where it is kept, placed or stored, without proper authority, or disturb, tamper with, disconnect or damage any City water meter without proper authority.

**Section 32. Misdemeanor, Prohibited.** Every act prohibited by Michigan law as a misdemeanor is hereby prohibited.

**Section 33. Larceny, Prohibitions.** It shall be unlawful for any person to commit or attempt to commit the offense of larceny by stealing the property of another of the value of Two Hundred (\$200) Dollars or less. The word "property," for the purpose of this Section, shall include any money, goods or chattels, or any bank note, promissory note, due bill, bill of exchange or other bill, draft, order or certificate, or any book of accounts for or concerning money or goods due or to become due or to be delivered, or any deed or writing containing a conveyance of land or any other valuable contract in force or any receipt, release or defeasance, or any writ process of public record.

**Section 34. Posting Notices of Placards.** It shall be unlawful for any person to fasten in any way any show-card, poster or other advertising device upon public or private property in the City unless legally authorized to do so by the Department of Public Safety.

**Section 35. Property, Malicious Injury To.** It shall be unlawful for any person wilfully and maliciously to injure, deface, mutilate, remove, pull down, break or in any manner interfere with or molest or secrete or destroy any real or personal property belonging to or under the control of any person.

**Section 36. Prowling About On Private Or Public Property.** It shall be unlawful for any person to be on public premises or private premises of any other person without authority or the permission of the owner of such premises.

**Section 37. Throwing Of Missiles or Objects.** It shall be unlawful for any person to throw or propel any stone, snowball, missile or other object or substance upon or at any vehicle, building, tree or other public or private property or upon or at any person in or upon public or

private property or place, or throw or propel any stone, snowball, missile or other object or substance from a moving vehicle.

**Section 38. Window Peeping.** It shall be unlawful for any person to look, peer or peep into, or be found loitering around or within view of any window not on his or her own property with intent of watching or looking through said window, or to enter upon any private property with the intent to commit such act.

**Section 39. Vagrancy.** It shall be unlawful for any person to have the status of or the condition of a vagrant. For the purpose of the provisions of this Section, the following persons shall be deemed vagrants:

(a) **BEGGING** - Any person who goes from door to door of private homes or commercial and business establishments, or places himself or herself in or upon any public way or public place to beg or receive alms for himself or herself.

(b) **UNLAWFUL OCCUPANCY** - Any person occupying, lodging or sleeping in or under any vacant or unoccupied garage, shed, shop or other building or structure, or in any automobile, truck or other vehicle, without owning the same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot and not giving a satisfactory account of himself or herself.

**Section 40. Fire Hydrants and Fire Department Connections.** It shall be unlawful to obscure from view, damage, destroy, tamper with, deface, obstruct or restrict access to any fire hydrant or fire department connection for the pressurization of fire suppression systems (including fire hydrants and fire department connections located on private property, public property or public rights-of-way). Immediate access to all fire hydrants and fire department connections shall be maintained at all times and without obstruction or interference by any fences, walls, trees, bushes, landscaping or other objects or structures. No fences, walls, trees, bushes, landscaping or other objects or structures shall be constructed or placed within a radius of five (5) feet from any fire hydrant or fire department connection. The Director of Public Safety or his or her designee may order the removal of any obstruction to any fire hydrant or fire department connection and, in addition to any other punishment or penalty applicable under this Ordinance, the property owner responsible for such obstruction shall be liable for the costs incurred in removing same, which costs shall be collected in the same manner as any other debt owed to the City.

### Chapter 3

## OFFENSES AGAINST PEACE AND ORDER

**Section 1. Dangerous And Concealed Weapons.** It shall be unlawful for any person, who is not an officer or deputy officer of the law, to carry on his or her person or in a concealed manner any pistol, Bowie knife, knife, sling shot, knuckles or any other weapon considered to be deadly unless such is authorized by a permit issued by the State of Michigan or a political subdivision thereof.

**Section 2. Disturbance Of Religious Worship.** It shall be unlawful for any person to disquiet or disturb any congregation or assembly for religious worship by making a noise, or by rude or indecent behavior, or profane discourse within their place of worship, or so near to the same so as to disturb the order or solemnity of the meeting.

**Section 3. Disturbance Of Public Or Private Meetings Or Gatherings.** It shall be unlawful for any person to disquiet or disturb any public or private meetings or gatherings by making noise or by improper behavior or by loud or boisterous or profane discourse within the meeting place, or so near so as to disturb the orderly and proper conduct of the meeting.

**Section 4. Explosives, Selling Or Giving To Minors.** It shall be unlawful for any person to sell or give gunpowder or other explosives to minors under the legal age of majority without the consent of the parents of such minors having been first obtained.

### **Section 5. Fireworks.**

(1) Except as provided in subsection (2), it shall be unlawful for any individual, co-partnership, limited partnership, corporation, professional corporation, association, limited liability company, limited liability partnership, professional limited liability company, professional limited liability partnership, club, joint venture, estate, trust, or any other legal entity to offer for sale, expose for sale, sell, possess, give transport, use, explode or cause to explode, without a permit issued pursuant to Section 243b of Act No. 328 of the Public Acts of 1931, as amended, being Section 750.243(b) of the Michigan Compiled Laws, any of the following:

(a) A blank cartridge, blank cartridge pistol, toy cannon, toy cane or toy gun in which explosives are used;

(b) An unmanned balloon which requires fire underneath to propel it and is not moored to the ground while aloft;



(c) Firecrackers, torpedoes, skyrocketes, roman candles, bombs, bottle rockets, whistling chasers, rockets on sticks or other fireworks of like construction;

(d) Fireworks containing an explosive or inflammable compound or a tablet or other device commonly used and sold as fireworks containing nitrates, fulminates, chlorates, oxalates, sulphides or lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or a compound containing these or other modern explosives;

(2) The following articles may be sold, possessed, transported, used or transferred without permit, provided such materials have been found to be adequately labeled by the Administrator of the Hazardous Substances Act pursuant to Section 2 of Act No. 188 of the Public Acts of 1965, as amended, being Section 286.452 of the Michigan Compiled Laws:

(a) Flat paper caps containing not more .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content of cap.

(b) Toy pistols, toy cannons, toy canes, toy trick noise makers and toy guns of a type approved by the director of the department of state police in which paper caps as described in subdivision (a) are used and which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion.

(c) Sparklers containing nor more than .0125 pounds of burning portion per sparkler.

(d) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter, cone fountains and cylinder fountains.

(e) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

(f) Possession, transportation, sale or use of signal flares of a type approved by the director of the department of state police and blank cartridges or blank cartridge pistols specifically for show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, and for use by military organizations.

(g) The sale of fireworks, provided they are to be shipped directly out of state pursuant to regulations of the United States Department of Transportation covering the transportation of explosives and other dangerous articles by motor, rail and water.

**Section 6. Storage of Fireworks.** The storage of fireworks is unlawful except for a retailer who has goods on hand for sale to the public in a supervised display area.

**Section 7. Loud Speakers or Sound Trucks.** It shall be unlawful to play, operate or use any device known as a sound truck loud speaker, or sound amplifier, radio or phonograph with loud speaker or sound amplifier, or any instrument of any kind or character, which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the Director of Public Safety to operate any such vehicles so equipped. The Director of Public Safety shall establish the hours during which such equipment may be operated.

**Section 8. Loitering.** It shall be unlawful for any person to loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon the appearance of a law enforcement officer, refuses to identify himself or herself or manifestly endeavors to conceal himself (or herself) or any object. Unless flight by the actor or other circumstance makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this Section if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

**Section 9. Musical Instruments, Disturbing Peace.** It shall be unlawful for any person to play, use, operate or permit to be played, used or operated any television or radio receiving set, musical instrument, phonograph or other machine or device for the production or reproduction of sound with louder volume than is necessary for convenient hearing of the person so playing, using or operating such instrument or device and such persons who are voluntary listeners thereto, or in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants.

**Section 10. Riots, Inciting or Participating.** Every person who, in the City, shall incite a riot or who by sign, gesture, sound, words or otherwise shall provoke or attempt to provoke any person or persons, crowd or gathering of persons to commit any disorderly or riotous act or acts, or

breach of the peace, or which shall cause a gathering of crowds of excited persons on the streets, avenues, alleys, public grounds, buildings or places within the City to the alarm of the inhabitants of the City, or threat to the peace and good order of the City, shall upon conviction thereof, be guilty of an offense.

**Section 11. Riot.** It shall be unlawful for any person to fail or refuse immediately to disperse upon an order to do so by a law enforcement officer when two (2) or more persons are assembled for the purpose of disturbing the peace or for the purpose of committing any unlawful act.

**Section 12. Stench Bombs.** It shall be unlawful for any person to have on his or her person or to throw, cast, place, deposit or discharge upon the person or property of another any liquid, gaseous or solid substance which is injurious to person or property or which is nauseous, sickening, irritating or offensive to any of the senses with intent to wrongfully injure, molest, discomfort, discommode or coerce another in the use, management, conduct or control of his or her person or property. It shall also be unlawful for any person to aid, abet or assist in the attempt or commission of any of these prohibited acts.

**Section 13. Tumultuous Conduct.** It shall be unlawful for any person to disturb, tend to disturb or aid in disturbing the peace of others by violent tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or her or under his or her control or in any public place.

**Section 14. Unnecessary Noises.** It shall be unlawful for any person to make or create unnecessary and excessive noises, either upon public or private property within the City by the unnecessary blowing or tooting of horns or signal devices, by the playing or using radios, phonographs, television equipment, musical instruments or record, tape or disc playing devices, the use of loud speakers or amplifiers, yelling or shouting, steam whistles, use of mechanical equipment, building operations, sound trucks, except where permitted by other ordinances of the City and then only within the time and in the manner so permitted.

**Section 15. Trespass Upon Private Property.** It shall be unlawful for any person wilfully to enter upon the land or premises of another without lawful authority, after having been forbidden so to do (orally, or by sign posted on the premises or by other writing) by the owner or the occupant or the agent or servant of the owner or occupant; or for any person being upon the land or premises of another without lawful authority, upon being notified to depart therefrom (orally or in writing) by the owner or occupant or the agent or servant of either, to neglect or refuse to depart therefrom.

**Section 16. Trespass Upon Public Property.** It shall be unlawful for any person wilfully to enter upon the lands or premises of the City of Grosse Pointe Farms, or of any church, school, library, memorial center, hospital or other public or private institution, without lawful authority, after having been forbidden so to do (orally, or by sign posted on the premises or by other writing) by any law enforcement officer of the City or any other person having authority with respect to the presence of others upon such premises; or for any person being upon such lands or premises, without lawful authority, upon being notified to depart therefrom (orally or in writing) by any law enforcement officer of the City or any other person having authority with respect to the presence of others upon such premises, to neglect or refuse to depart therefrom.

**Section 17. Unauthorized Use of Swimming Pool.** It shall be unlawful for any person wilfully to utilize any private or public swimming pool without the consent of the owner, occupant or person in control of the property, or for any person notified to depart from the swimming pool of another, by the owner, occupant or person in control of the property to neglect or refuse to depart therefrom.

**Section 18. Obstruction of Public Passage.** It shall be unlawful for any person to purposefully stand or idle in or about any street, sidewalk, overpass or public place so as to hinder or impede or tend to hinder or impede the passage of pedestrians or vehicles.

#### **Chapter 4** **OFFENSES AGAINST MORALS AND DECENCY**

**Section 1. Delinquency, Encouraging.** It shall be unlawful for any person by any act or neglect, to encourage, aid or cause a child or juvenile to commit any criminal act so as to cause such child or juvenile to come within the purview of the juvenile authorities.

**Section 2. Gambling, Frequenting Prohibited.** It shall be unlawful for any person or persons to deal in, play or engage in gaming such as faro, roulette, dice, cards or other devices or game of chance, hazard or skill, either as bookmaker, dealer, keeper, player or otherwise for the purpose of gambling for money or other valuable things or to attend or be found frequenting any place where gambling is permitted or allowed or is taking place.

**Section 3. Gambling, Keeping Gaming Room For Hire, Gain or Reward.** It shall be unlawful for any person to keep or maintain for hire, gain or reward, a gaming room or gambling table, or any game of skill or chance, or partly of skill and partly of chance, used for gaming, or to knowingly suffer a gaming room or gaming table, or any such game to be kept, maintained or played on any premises within the City occupied or controlled by him or her, or for any person to

aid, assist or abet in the keeping or maintaining of any such gaming room, gaming table or game within the City.

**Section 4. Gambling, Keeping or Occupying Building For.** It shall be unlawful for any person, or his or her agent or employee, to directly or indirectly keep or occupy, or assist in keeping or occupying any common gambling house, or any building or room therein, or place within the City where gaming is permitted or suffered, or to suffer or permit on any premises owned, occupied or controlled by him or her, any apparatus used for gaming or gambling, or to use such apparatus for gaming or gambling in any place within the City.

**Section 5. Gambling, Lotteries.** It shall be unlawful for any person to promote, establish, conduct, operate, manage or to superintend, or to aid, or to assist in making, establishing, promoting, conducting, operating, managing or superintending any lottery; gift enterprise, policy or scheme or drawing in the nature of a lottery in the City, or to knowingly advertise or to make public in any manner any lottery, gift enterprise, policy or scheme in the nature of a lottery, whether the same is being, or is to be conducted, held or drawn within or without the City.

**Section 6. Gambling, Place and Equipment.** It shall be unlawful for any person, or his or her agent or employee, to directly or indirectly keep, maintain, operate or occupy any building or room, or any part thereof, or any place with apparatus, books or any device for registering bets, or buying or selling pools upon the results of a trial or contest of skill, speed or endurance, or upon the results of a game, competition, political competition, appointment or election, or any purported event of like character, or to register bets, or buy or sell pools, or to be concerned in buying or selling pools, or to knowingly permit any grounds or premises owned, occupied or controlled by him or her, to be used for any of the purposes aforesaid.

**Section 7. Gambling, Policy or Pool Tickets.** It shall be unlawful for any person to be in possession of any policy or pool tickets, slips or checks, memoranda of any combination, or other bet, manifold or other policy, or pool books or sheets, or of any such articles, or of any other implements, apparatus or materials of any other form of gaming.

**Section 8. Houses of Ill Fame.** It shall be unlawful for any person to keep or maintain a house of ill fame or assignation, or place for the practice of fornication, prostitution or lewdness.

**Section 9. Houses of Ill Fame, Leasing Premises.** It shall be unlawful for any person to lease to another any house, room or other premises, in whole or in part, for any unlawful purpose.

**Section 10. Houses of Ill Fame, Patrons or Inmates of.** It shall be unlawful for any person to patronize, frequent, be found in, or be an inmate of any house of ill fame or assignment, or place for the practice of prostitution or lewdness.

**Section 11. Indecent Exposure of Person.** It shall be unlawful for any person to appear in any automobile or other motor vehicle, park, public place or private property within view of the public in the City in a state of nudity or indecently or lewdly clad, or to make any indecent public exposure of his or her person, or to behave in an indecent or lewd manner in any such place, or to commit any indecent or lewd act, or to exhibit, perform or take part in any immoral, indecent or lewd place, show, performance or other representation in the City.

**Section 12. Indecent and Improper Conduct.** It shall be unlawful for any person to follow, annoy, molest, disturb or insult by voice, conduct or actions any child under eighteen (18) years of age, or any other person, or to induce, coax, persuade or induce by threat any child under eighteen (18) years of age, or any other person, to enter any vehicle or conveyance, or to go in or upon any public alley, street, park or private property or place, or to engage in any indecent, improper, immoral or obscene conduct, behavior or actions.

**Section 13. Indecent Language.** It shall be unlawful for any person to utter or use vile, vulgar, obscene or profane language, or to accost, address or speak in such language to any stranger to his or her annoyance, or to address any person other than in a proper and respectful manner, or to use any other annoying or improper language within the hearing of any other person.

**Section 14. Lewdness.** It shall be unlawful for any person or persons, married or unmarried, to be guilty of open and gross lewdness and lascivious behavior, or to designedly make any open or indecent or obscene exposure of the person of another.

**Section 15. Obscene Books, Pictures, Literature and Motion Pictures.**

(a) Indecency and Immorality: Obscene, Sadistic or Masochistic literature, recording or image; penalty for sale, transmutation or possession. Any person who knowingly either manufactures, provides, publishes, insures, transfers, transmits, circulates, exhibits, sells, lends, gives away, distributes, shows or transmutes or offers either to manufacture, provide, publish, insure, transfer, circulate, exhibit, sell, lend, give away, distribute, show, transmute or advertise in any manner, or who otherwise knowingly either offers for either loan, gift, sale or distribution, any obscene, lewd, lascivious, filthy or indecent, sadistic or masochistic book, magazine, pamphlet, newspaper, story paper, writing, paper, phonograph record, picture, photograph, motion picture film, figure, image, wire or tape recording or any other device of communication of any written, printed or recorded matter of an indecent character, which is

distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" (as defined below in sub-section (f)) which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representation of such character, shall be guilty of a misdemeanor.

For the purposes of this section, the following definitions shall apply:

(1) Knowingly - means having actual or constructive knowledge of the content and character of work. A person shall be deemed to have constructive knowledge of the content and character of a performance of work if he or she has knowledge of facts which would put a reasonable and prudent person on notice as to the nature of the work.

(2) Person - any individual, partnership, firm, association, corporation, limited liability company, trustee, lessee, agent, assign or other legal entity.

(b) Obscene literature, recording or image; upon average person of community - offensive sexual conduct; no literary, artistic, political or scientific value. The test to be applied in cases under this section of this ordinance shall be:

(1) whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest;

(2) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by subsection (f);

(3) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

Such test shall be the effect of the book, picture or other subject of the complaint considered as a whole upon all those whom it is likely to reach, that is, its impact upon the average person in the community. The book, picture or other subject of the complaint must be judged as a whole in its entire context, not by considering detached or separate portions only, and by the standards of common conscience of the community of the contemporary period of the violation charged.

(c) Publishing, distributing. Any person who publishes or distributes for resale or for reading or other perusal any book, magazine, or pamphlet, so composed as to constitute a compilation of pictures, illustrations, caricatures, cartoons, words, stories and advertisements, or any combination or combinations thereof, featuring and primarily devoted for the purpose of commercial exploitation, to the description or portrayal or suggestion of illicit sex, or sexual

relations or perversions, lust or sexual passion, or to any combination or combinations thereof, which are distinguished or characterized by its emphasis on matter depicting or relating to "specified sexual activities" (as defined in subsection (f)), shall be guilty of a violation of this Ordinance.

(d) Requiring retailer to accept. Any person who shall as a condition to a sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical or publication require that the purchaser or consignee receive for resale any other article, book or other publication which is contrary to this Ordinance, or shall deny or threaten to deny any franchise or impose or threaten to impose any penalty, financial or otherwise, by reason of the failure of any person to accept such articles, books or publications, or by reason of the return thereof shall be guilty of a violation of this Ordinance.

(e) Obscene, sadistic or masochistic literature, recording or image; distributions to minors, penalty. Whoever knowingly either sells, distributes or imports for the purpose of selling or distributing to a person under the age of eighteen (18) years or who displays at newsstands or any other business establishment frequented by minors under the age of eighteen (18) years of where said minors are or may be invited as a part of the general public any obscene, lewd, lascivious, filthy or indecent book, magazine, pamphlet, newspaper, story paper, writing paper, phonograph record, picture, drawing, photograph, motion picture film, image, wire or tape recording of any written, printed or recorded matter of an indecent character which is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" (as defined in subsection (f)), which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representations of such character, manifestly tending to corrupt the morals or youth, or introduced into a family, school or place of education, or buys, procures, receives or has in his or her possession any obscene, lewd, lascivious, filthy or indecent book, magazine, pamphlet, newspaper, story paper, writing paper, phonograph record, picture, drawing, photograph, motion picture film, figure, image, wire or tape recording of any written, printed or recorded matter of an indecent character, which is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" (as defined in subsection (f)), which may or may not require mechanical or other means to be transmuted into auditory, visual or sensory representations of such character, either for the purpose of sale, exhibition, loan or circulation to a person under the age of eighteen (18) years or with intent to introduce the same into a family, school or place of education, shall be guilty of a violation of this Ordinance.

(f) General Definitions - for the purpose of this section, "specified sexual activities" are defined as:



(1) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; or

(2) Patently offensive representations or depictions of masturbation, excretory functions and lewd exhibitions of the genitals.

If any of the depictions or descriptions of sexual conduct described in this subdivision are declared by a court of competent jurisdiction to be unlawfully included therein because such depictions or descriptions are constitutionally protected or for any other reason, such declaration shall not invalidate this Article as to other patently offensive sexual conduct included herein.

For the purpose of this section, possession of six (6) or more identical or substantially similar copies, or six (6) or more articles of any obscene lewd, lascivious, filthy or indecent book, magazine, pamphlet, newspaper, story paper, writing paper, phonograph record, picture, drawing, photograph, slide, motion picture film, figure, image, wire or tape recording, or any written, printed or recorded matter of an indecent character, which is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" as defined herein shall be prima facie evidence of possession with intent to sell, lend, give away, distribute, show or transmute the thing.

**Section 16. Obscene Conduct.** It shall be unlawful for any person to urinate or stool in any place open to the public view, or to be guilty of any lewd, lascivious or obscene conduct, or to sing any lewd or obscene song, ballad or other works in any public place, or any other place where other persons are present, or indecently to exhibit any animal.

**Section 17. Prostitution.** It shall be unlawful for any person to pursue or advertise in any manner her vocation as a prostitute or for any person to advertise the profession of a prostitute, or solicit for a prostitute.

**Chapter 5**  
**OFFENSES AFFECTING ADMINISTRATION OF JUSTICE**

**Section 1. Aiding Prisoners to Escape.** It shall be unlawful for any person to aid or assist, by any means whatever, any prisoner, lawfully committed to any jail or place of confinement in the City, in any case, civil or criminal, to escape therefrom whether such escape be affected or not, or to aid or assist any prisoner in escaping or attempting to escape from the custody of any officer, his or her deputy or lawful assistant who shall have the lawful charge of such prisoner.

**Section 2. Assaulting Officer in Discharge of Duty.** It shall be unlawful for any person to knowingly assault, strike, beat, wound or otherwise impede any public officer, his or her deputy or lawful assistant while in the discharge of any official duty.

**Section 3. Escapes.** It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody.

**Section 4. False Alarm of Fire or Need for Police or Ambulance Assistance.** It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire or need for police, public safety, emergency or ambulance assistance, or to aid or abet in the commission of such act.

**Section 5. False Report of Crime.** It shall be unlawful for any person to make or file with the Public Safety Department of the City any false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime occurring within the City.

**Section 6. False Representation.** It shall be unlawful for any person to represent falsely himself or herself to be an officer of the municipality or who shall attempt to impersonate any such officer, or who shall, without authority, perform any official act therein on behalf of an officer.

**Section 7. Interference With a Public Safety Officer.** It shall be unlawful for any person to resist or interfere with any police officer, fire officer, public safety officer or any member of the Public Safety Department, or any person duly empowered with police authority, while in the discharge or apparent discharge of his or her official duties, or in any way interfere with, or hinder him or her in the discharge of his or her duty, or to wilfully disobey any reasonable rule, regulation or order as may be set forth in the discharge of his or her duties.

**Section 8. Authority of Public Safety Officers to Stop and Question Persons Who Are Loitering or Wandering Upon the Streets.** A law enforcement officer may stop a person on the street to determine that person's identity or to obtain information on a crime if the officer has reasonable suspicion to believe, under the circumstances existing prior to the stop, and in light of his or her experience, that criminal activity has occurred or it just about to occur. The scope of the investigative stop must be reasonably related to the circumstances which justified the interference at its inception.

**Section 9. Authority of Public Safety Officers to Search Suspicious Persons.** When a law enforcement officer has stopped a person for questioning pursuant to Section 8 and has reasonable cause to believe that person is armed and presently dangerous to himself (or herself) or others, the officer may conduct a limited search of that person for dangerous weapons. The law

enforcement officer may take and keep such weapon or any other thing, the possession of which may constitute a crime, until the officer has completed the questioning at which time he or she shall either return such property, if lawfully possessed, or arrest such person and dispose of such property according to law.

## **Chapter 6 GENERAL**

**Section 1.** Any person violating any provision of this Ordinance shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both in the discretion of the court.

**Section 2.** Ordinance No. 81, adopted March 28, 1949, entitled "An Ordinance Defining Disorderly Person in the Village of Grosse Pointe Farms and Providing for their Punishment Upon Conviction;" Ordinance No. 98, adopted February 16, 1953, entitled "An Ordinance to Prohibit Loitering and Trespassing; and to Repeal Ordinance No. 25;" Ordinance No. 60, adopted October 7, 1940, entitled "An Ordinance to Prevent Hawkers, Vendors, Hucksters, Peddlers, Newsboys, Salesmen, Agents and Other Persons from Making Unnecessarily Loud Noises in and Upon the Public Streets and Highways and Other Public and Private Premises in the Village of Grosse Pointe Farms;" and Ordinance No. 97, adopted February 16, 1953, entitled "An Ordinance to Regulate the Carrying and Discharge of Firearms and Other Dangerous Weapons; and to Repeal Ordinances No. 28 and No. 46" are hereby repealed.

**Section 3.** If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 4.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: December 20, 1971

Ch 2, Sec. 16 & 16a Amended, January 16, 1978, Ord. No. 221  
Ch 2, Sec. 39 Amended, January 25, 1982, Ord. No. 249  
Ch 3, Sec. 5 & 6 Amended, October 24, 1983, Ord. No. 269  
Ch 3, Sec. 8 Amended, January 25, 1982, Ord. No. 249  
Ch 4, Sec. 17 Amended, July 11, 1983, Ord. No. 265

Ch 4, Sec. 18 Added, April 21, 1986, Ord. No. 285  
Ch 4, Sec. 15 Amended, January 10, 1977, Ord. No. 210  
Ch 4, Sec. 15 Amended November 1, 1979, Ord. No. 239  
Ch 5, Sec. 9 Added, October 17, 1977, Ord. No. 216  
Ch 5, Sec. 8 & 9 Amended, January 25, 1982, Ord. No. 249  
Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001.ORDINANCES]ORD\_COD\_7-07.GEN\_OFFENSES

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**CODE NO. 7-08 -- OPEN HOUSE PARTIES**

**Ordinance No. 281**

**AN ORDINANCE REGULATING THE USE OF ALCOHOLIC BEVERAGES AND DRUGS AT OPEN HOUSE PARTIES.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Definitions.** For the purpose of this section the following terms shall be defined as follows:

- (a) "adult" means a person seventeen (17) years of age or older.
- (b) "alcoholic beverage" means any beverage containing more than one-half of one percent of alcohol by weight. The percentage of alcohol by weight shall be determined in accordance with the provisions of the Michigan Liquor Control Code, Michigan Compiled Laws, Section 436.1101 et seq., as the same may be amended from time to time.
- (c) "minor" means a person not legally permitted by reason of age to possess alcoholic beverages pursuant to the Michigan Liquor Control Code, Michigan Compiled Laws, Section 436.1101 et seq., as the same may be amended from time to time.
- (d) "residence" means a home, apartment, condominium, or other dwelling unit and includes the curtilage of such dwelling unit.
- (e) "open house party" means a social gathering of persons at a residence, other than the owner or those with rights of possession or their immediate family members.
- (f) "drug" means a controlled substance as defined now or hereafter by the Michigan Public Health Code, Michigan Compiled Laws, Section 333.7104, as the same may be amended from time to time.
- (g) "control" means any form of regulation or dominion including a possessory right.

**Section 2. Alcoholic Beverages and Drugs Prohibited at Open House Parties.** No adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor:

(a) where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at said residence, or

(b) where the adult knew or reasonably should have known that the alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence.

**Section 3. Exception.** The provisions of this section shall not apply to legally protected religious observances or protected educational activities.

**Section 4. Penalty.** The penalty for violation of this Ordinance is a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment in the county jail for a term not to exceed ninety (90) days, or by both such fine and imprisonment.

**Section 5. Severability.** If any provision is in conflict with any statute or rule of law of the State of Michigan or is otherwise unenforceable, then such provision shall be deemed null and void to the extent of such conflict or unenforceability and should be deemed severable from but shall not invalidate any other provisions of this Ordinance.

**Section 6. Effective Date.** This Ordinance shall take effect November 20, 1985, or upon its publication, whichever is later.

Enacted: October 21, 1985

Technical Amendments, July 9, 2018, Ord. No. 392

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**CODE NO. 7-09 -- TENNIS COURTS**

**Ordinance No. 199**

**AN ORDINANCE TO REGULATE THE CONSTRUCTION, MAINTENANCE AND USE OF OUTDOOR TENNIS COURTS WITHIN THE CITY.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** No person shall construct an outdoor tennis court within the City of Grosse Pointe Farms until such person has obtained a building permit as required under the City's Zoning Ordinance (Ordinance No. 195; Code No. 12-03) and a fence permit as required under the City's Fence Ordinance (Ordinance No. 93; Code No. 11-03). Such permits shall not be issued until the plans for such outdoor tennis court have been filed with the City and indicate full compliance with the provisions of said Ordinances and the provisions of this Ordinance. In addition, a fence permit shall not be issued for fences in excess of four (4) feet in height until a hearing has been held before the City Council, and Council approval has been obtained for the proposed outdoor tennis court and all related fencing and other structures. The City Manager or his or her designated representative shall set a date for hearing, and notice by first-class mail shall be given by the petitioner no less than ten (10) days prior to the date of hearing to all property owners with residences located within two hundred (200) feet of the fence or fences to be erected.

**Section 2.** Such outdoor tennis court shall be landscaped in such a manner as to screen it from public rights-of-way and from adjacent or adjoining residential properties. Such landscaping plan shall be submitted to the City Council for approval as to suitability of planting material and arrangement thereof, in order to achieve such screening prior to construction.

**Section 3.** No person shall construct, maintain or use any lights in conjunction with an outdoor tennis court in the City, unless such court is located as required under the City's Zoning Ordinance (Ordinance No. 195; Code No. 12-03), and unless such lights are shaded so that any direct rays or glare therefrom do not project upon lands belonging to others or upon a public right-of-way in a manner which would create a hazard for vehicular or pedestrian traffic. Such lights shall not be used during the hours between 10:00 p.m. and 8:00 a.m.

**Section 4.** No outdoor tennis court in a residential district of the City shall have constructed therewith or maintained as a part thereof a practice backboard. No fence, wall or other structure shall be constructed or maintained in a residential district of the City for use in whole or in

part as a practice backboard, whether or not such fence, wall or other structure is constructed or maintained in connection with an outdoor tennis court.

**Section 5.** No person shall play on, nor shall the owner or lessee thereof permit the use of, such outdoor tennis court in a manner which will result in or cause a nuisance to adjoining property owners or to other residents of the City. Shouting or any use of voices or any other noisemaking apparatus in connection with the use of such outdoor tennis court above a normal voice level shall not be permitted and shall be in violation of this Ordinance. Also, the provisions of the City's General Offenses Ordinance (being Ordinance No. 185; Code No. 7-07) and specifically Section 14 of Chapter 3 thereof, shall be fully applicable to the use of such outdoor tennis court, and a violation of that Ordinance shall constitute a violation of this Ordinance.

**Section 6.** Any person violating any provision of this Ordinance shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court. Continuing acts of violation and each day which such violations shall occur may be charged as separate offenses.

**Section 7.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 8.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

**Section 9.** An appeal to the City Council (or, as described below, to the Board of Zoning Appeals) may be taken from any action of the administrative officers of the City denying a permit for an outdoor tennis court or a fence or fences in connection therewith. Appeals from the denial of a building permit shall be to the Board of Zoning Appeals and shall be governed by the procedures set forth in the City's Zoning Ordinance (Ordinance No. 192; Code No. 12-03). Appeals from the denial of a fence permit shall be to the City Council and shall be governed by the procedures set forth in the City's Fence Ordinance (Ordinance No. 93; Code No. 11-03). The Board of Zoning Appeals or the City Council (as the case may be) shall consider the various sections of this Ordinance to be incorporated in the Zoning Ordinance and the Fence Ordinance for purposes of any such appeal, provided that all questions pertaining to the interpretation of this Ordinance shall be decided by the City Council.

Enacted: August 5, 1974

Section 1 Am. September 19, 1977, Ord. No. 214



Section 4 Am. April 19, 1993, Ord. No. 318  
Section 9 added April 19, 1994, Ord. No. 318  
Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_7-09.TENNIS\_COURTS

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**CODE NO. 7-10 -- JUVENILE CURFEW ORDINANCE**

**Ordinance No. 284**

**AN ORDINANCE TO PROHIBIT MINORS UNDER THE AGE OF SEVENTEEN (17) YEARS FROM BEING UPON THE STREET OR OTHER PUBLIC PLACES OF THE CITY DURING CERTAIN HOURS; AND TO REPEAL ORDINANCE NO. 99.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** It shall be unlawful for any minor, fifteen (15) years of age or older but younger than seventeen (17) years of age, to be in or upon any street, sidewalk, park, vacant lot or other public place between the hours of 11:00 p.m. and 6:00 a.m. It shall be unlawful for any minor younger than fifteen (15) years of age to be in or upon any street, sidewalk, park, vacant lot or other public place between the hours of 10:00 p.m. and 6:00 a.m.

**Section 2.** The provisions of Section 1 do not apply in the following circumstances:

(a) The minor is accompanied by his or her parent, legal guardian, or other responsible person who is twenty-one (21) years of age or older and authorized by the minor's parent or legal guardian to take the parent's place in accompanying the minor for a designated period of time within a specified area;

(b) The minor is on an errand as directed by his or her parent or legal guardian between the hours of 10:00 p.m. and 12:30 a.m.;

(c) The minor is going to or from his or her place of employment or is in a public place during curfew hours in the course of his or her employment, provided that the minor is carrying a written statement from the employer attesting to the place and hours of employment;

(d) The minor is on the property of or the sidewalk directly adjacent to the dwelling in which he or she resides between the hours of 10:00 p.m. and 12:30 a.m.;

(e) The minor is going directly home from a meeting, school activity or any activity of a religious or other voluntary association, or a place of public entertainment between the hours of 10:00 p.m. and 12:30 a.m., provided that if the event is not commercial in nature or does not have a fixed, publicly known time at which it will end, prior notice of the activity and the place and probable time of termination has been given in writing to the Public Safety Department;

(f) The minor is in a motor vehicle with parental consent for interstate travel through the City of Grosse Pointe Farms.

**Section 3.** A law enforcement officer who has probable cause to believe that a minor has violated this Ordinance shall take such minor to the police station and the minor's parents or guardian shall be contacted immediately. If after this contact there is still probable cause to believe that the minor was violating this Ordinance, the minor shall be held until a parent or guardian arrives to take the minor home. When the parent or guardian arrives, he or she shall be given a copy of the Juvenile Curfew Ordinance. If no parent or guardian arrives within a reasonable time, the minor may be turned over to the custody of the juvenile authorities and the Public Safety Department shall send to the minor's parent or guardian written notice of said violation and a copy of the Juvenile Curfew Ordinance.

**Section 4.** It shall be unlawful for any parent or guardian having custody of a minor to knowingly permit or by insufficient control to allow such minor to be on or remain upon any street, sidewalk, park, vacant lot or other public place in violation of this Ordinance. The word 'knowingly' includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody and control.

**Section 5.** If, after the first violation pursuant to Section 3 by a minor, a parent violates Section 4 (in connection with a second violation by said minor), the parent's violation shall be treated as an offense by the parent. For such parental offense, the parent shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment of not more than ninety (90) days, or both, in the discretion of the Court.

**Section 6.** Any minor who commits a second violation of any of the provisions of the Juvenile Curfew Ordinance shall be reported to a society or organization whose purpose is to take charge of incorrigibles and delinquents, and proceedings may then be taken before the juvenile court for the treatment, supervision and rehabilitation of such minor.

**Section 7.** If any provision of this Ordinance, including any exception, part, phrase or term, or the application thereof to any person or circumstance is held invalid, the application to other persons or circumstances and the validity of the remainder of the Ordinance shall not be affected.

**Section 8.** Ordinance No. 99 adopted February 16, 1953, entitled "An Ordinance to Prohibit Children Under the Age of 17 Year from Being Upon the Streets or Other Public Places of the City During Certain Hours; And To Repeal Ordinance No. 20" is hereby repealed.

**Section 9.** It is hereby declared that this ordinance is immediately necessary for the preservation of the public peace, health, and safety, and is therefore effective immediately.

Enacted: April 21, 1986

Technical Amendments July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_7-10.JUVENILE\_CURFEW

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**CODE NO. 7-11 -- STATE OF EMERGENCY ORDINANCE****Ordinance No. 169**

**AN ORDINANCE TO AUTHORIZE THE MAYOR, MAYOR PRO-TEM, CITY MANAGER OR DIRECTOR OF PUBLIC SAFETY TO PROCLAIM A STATE OF EMERGENCY; TO PROVIDE FOR IMPOSING CURFEWS, CLOSING PLACES OF PUBLIC AMUSEMENT AND IMPOSING RESTRICTIONS ON OR PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES AND LIQUORS, GASOLINE AND OTHER FLAMMABLE LIQUIDS, FIREARMS AND AMMUNITION; AND TO PROVIDE PENALTIES FOR VIOLATION OF SUCH PROCLAMATIONS.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** During time of great public crises, disaster, rioting, catastrophe or similar public emergency, or reasonable apprehension of immediate danger thereof, when public safety may be imperiled in the City, the Mayor, or in his or her absence or unavailability, the Mayor Pro-tem, or in the absence or unavailability of both the Mayor and Mayor Pro-tem, the City Manager, or in the absence or unavailability of any of the foregoing, the Director of Public Safety, may declare by proclamation a state of emergency in the city or any part thereof. Such proclamation may establish a curfew; restrict or prohibit the sale, transportation and use of alcoholic beverages and liquors; require places of public amusement or assembly to close, restrict or prohibit the sale, carrying and use of firearms, other dangerous weapons and ammunition and the storage, use, transportation and sale of explosives, gasoline or other inflammable materials or liquids deemed to be dangerous to public safety, and restrict or prohibit the movement of vehicle and pedestrian traffic, including public and private transportation, within such city limits, but such proclamation shall not affect law enforcement officers during the exercise of their official duties. Such proclamation or proclamations and amendments thereto, shall be posted in at least five (5) public places within the city.

**Section 2.** The Mayor, or in his or her absence or unavailability, the Mayor Pro-tem, or in the absence or unavailability of both the Mayor and the Mayor Pro-tem, the City Manager, or in the absence or unavailability of any of the foregoing, the Director of Public Safety, may amend, modify or rescind, in whole or in part, the terms and provisions of proclamation during pendency of the emergency, and upon cessation of emergency, shall rescind and terminate proclamations and post notice thereof in same manner as original proclamation, provided, however, that persons charged with the violation of any of the terms of any proclamation issued pursuant to this ordinance may be

prosecuted, convicted and punished as provided herein, after the issuance of proclamation of cessation of emergency.

**Section 3.** Any person violating or neglecting or refusing to comply with any of the provisions of this Ordinance, upon conviction thereof, shall be punished by imposition of a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period not to exceed ninety (90) days, or by imposition of both fine and imprisonment in the discretion of the Court. Each act of violation shall constitute a separate offense.

**Section 4.** The effective date of this ordinance shall be twenty days after enactment or upon publication thereof, whichever is later.

Enacted: April 15, 1968

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001.ORDINANCES]ORD\_COD\_7-16.STATE\_EMERGENCY

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**CODE NO. 7-12 -- FISHING, PICNICKING AND SWIMMING ORDINANCE**

**Ordinance No. 96**

**AN ORDINANCE TO REGULATE FISHING, PICNICKING, LOITERING, SWIMMING AND BATHING; AND TO REPEAL ORDINANCE NO. 26.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** Fishing, picnicking or loitering (a) on public property, except in parks and other public places set aside for such purposes by the City, and (b) on private property, except by the owner, lessee or occupant, or persons having written permission from the owner, lessee or occupant, is hereby prohibited.

**Section 2.** Swimming or bathing (a) from public property on the shore of Lake St. Clair, except in parks and other public places set aside for such purposes by the City, and (b) from private property on such shore except by the owner, lessee or occupant, or persons having written permission from the owner, lessee or occupant, is hereby prohibited.

**Section 3.** Any person violating any provision of this Ordinance shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court.

**Section 4.** Ordinance No. 26, adopted August 1, 1921, entitled "An Ordinance to Regulate Bathing in the Waters of Lake St. Clair within the Limits of the Village of Grosse Pointe Farms" is hereby repealed.

**Section 5.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 6.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: February 16, 1953

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_7-12.FISHING\_PICNICKING

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CODE NO. 7-13 -- ALCOHOLIC BEVERAGES ORDINANCE

Ordinance No. 150

**AN ORDINANCE PROHIBITING THE PURCHASE, OFFER TO PURCHASE OR ATTEMPT TO PURCHASE OR PROCURE, OR THE POSSESSION OR TRANSPORTATION OF BEER, WINE, LIQUOR OR OTHER ALCOHOLIC BEVERAGES BY PERSONS UNDER THE AGE OF 21 YEARS IN THE CITY OF GROSSE POINTE FARMS, MICHIGAN, AND TO REPEAL ORDINANCE NO. 130.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** It shall be unlawful for any person younger than twenty-one (21) years of age falsely to represent himself or herself to be twenty-one (21) years of age or older when purchasing, offering to purchase, or attempting to purchase or procure beer, wine, liquor or other alcoholic beverages or to give any false information regarding his or her age to any law enforcement officer or to any other person selling beer, wine, liquor or other alcoholic beverages for the purpose of securing a sale thereof.

**Section 2.** It shall be unlawful for any person to make any false representation in order to procure the sale or furnishing of beer, wine, liquor or other alcoholic beverages to any person younger than twenty-one (21) years of age.

**Section 3.** It shall be unlawful for any person younger than twenty-one (21) years of age to purchase, or knowingly possess, transport, or have under his or her control on or about his or her person, or knowingly possess, transport, or have under his or her control in any vehicle, any beer, wine, liquor or other alcoholic beverages, unless such person is employed by a licensee under a license issued by the Michigan Liquor Control Commission, and is possessing, or transporting such alcoholic beverages during his or her regular working hours and in the course of his or her employment.

**Section 4.** Any person violating any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment in the City or County jail for a term not exceeding ninety (90) days, or both such fine and imprisonment may be imposed in the discretion of the Court.

**Section 5.** If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby.



**Section 6.** Ordinance No. 130, enacted June 16, 1958, entitled "AN ORDINANCE PROHIBITING THE PURCHASING, OFFER TO PURCHASE OR ATTEMPTING TO PURCHASE OR PROCURE, OR THE TRANSPORTATION OF BEER, WINE OR OTHER ALCOHOLIC BEVERAGES BY PERSONS UNDER THE AGE OF 21 YEARS IN THE CITY OF GROSSE POINTE FARMS, MICHIGAN." is hereby repealed.

**Section 7.** This ordinance shall take effect twenty (20) days after the date of its enactment or upon publication, whichever is later.

Enacted: November 6, 1961

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001.ORDINANCES]ORD\_COD\_7-13.ALCOHOL\_MINORS

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**CODE NO. 7-14 -- GARBAGE DISPOSAL ORDINANCE**

**Ordinance No. 132**

**AN ORDINANCE TO REQUIRE INSTALLATION OF GARBAGE GRINDERS OR DISPOSAL UNITS IN NEW RESIDENTIAL, COMMERCIAL AND OTHER STRUCTURES, WHERE GARBAGE OR FOOD WASTE IS PRODUCED OR ACCUMULATED AND TO RESTRICT AND REGULATE THE HANDLING OF GARBAGE.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** It shall be required in the construction of all new residential buildings, all new commercial buildings and all other structures erected in the City of Grosse Pointe Farms, which are designed, arranged or intended to be used for purposes which cause, result in, produce or develop food wastes, that a good and proper type of garbage grinder or disposal unit shall be installed and connected to the sewer system, which grinder or disposal unit and all connections shall be of sufficient size to grind all garbage and food wastes produced or accumulated. Each apartment, household unit, shop, store, restaurant or other individual unit where garbage or food waste is produced or accumulated shall be provided with a separate garbage grinder or disposal unit.

**Section 2.** In the interest of preserving the public peace, health, and safety, it is unlawful at any and all times to deposit, place, scatter or bury garbage and food wastes on any private or public premises or any street, highway, alley, or place in the City of Grosse Pointe Farms. It is also unlawful for any person, firm, corporation, partnership, limited partnership, limited liability company, or other legal entity, or his, her, their, its agent or employees, to collect and transport within the City of Grosse Pointe Farms upon any of its public highways, streets, alleys or public places, garbage and food wastes unless previously authorized by proper action of the City Council of Grosse Pointe Farms. It is hereby determined that a violation of this section will constitute a nuisance and further this section is intended to supplement existing ordinances and in no way amends or supersedes them.

**Section 3.** Installation, operation and maintenance of any equipment or method to be used for the disposal of food wastes shall comply with the applicable provisions and regulations concerning building, housing, plumbing, electricity, smoke abatement, air pollution, safety engineering, health, sanitation, and fire prevention in existing ordinances.

**Section 4.** Any person violating the provisions of this Ordinance shall upon conviction thereof be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the city or county jail for a term not exceeding ninety (90) days, or both such fine and imprisonment may be imposed at the discretion of the court.

**Section 5.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 6.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: Sept. 8, 1958

Amended Dec. 20, 1982, Ord. No. 259  
Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001.ORDINANCES]ORD\_COD\_7-14.GARBAGE

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**CODE NO. 7-15 -- TREE DISEASE ORDINANCE**

**ORDINANCE NO. 333**

**AN ORDINANCE TO PROVIDE FOR THE CONTROL OF DUTCH ELM DISEASE, EMERALD ASH BORER AND OTHER FORMS OF TREE DISEASE; TO PROVIDE FOR THE DESTRUCTION AND REMOVAL OF TREES INFECTED WITH SUCH DISEASES; TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR CIVIL ENFORCEMENT REMEDIES; AND TO REPEAL ORDINANCE NOS. 125, 155 AND 230.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** (a) Any tree within the City which is found to be infected in whole or in part with Dutch Elm Disease, the Emerald Ash Borer or any other form of infectious disease, is hereby declared a public nuisance, and it shall be unlawful for the person owning property on which the same is located to possess or keep the same.

(b) Elm trees, or parts thereof, in a dead or dying condition that may serve as breeding places for the European Elm Bark Beetle, Scolytus Multistriatus, or ash trees, or parts thereof, in a dead or dying condition that may serve as breeding places for the Emerald Ash Borer, or any trees bearing similar carriers of infection, also are hereby declared public nuisances, and it shall be unlawful for the person owning property on which the same is located to possess or keep the same.

**Section 2.** The City shall have power, through its authorized agents or contractors, to enter upon any private lands for the purpose of inspection and determining whether any tree located thereon is or may be infected with Dutch Elm Disease, the Emerald Ash Borer or any other form of infectious disease, and if any tree is found to be so infected to place a distinguishing mark thereon, by blaze or otherwise.

**Section 3.** Every person (including any individual, co-partnership, limited partnership, corporation, professional corporation, association, limited liability company, limited liability partnership, professional limited liability company, professional limited liability partnership, club, joint venture, estate, trust or other legal entity) which owns or has under its control a tree within the City limits which the City has determined is infected with Dutch Elm Disease, the Emerald Ash Borer or any other form of infectious disease shall cut down and remove

all of the infected portions. If, however, removal of only the infected portions would be impracticable or ineffective (as determined by the Director of Public Service in his or her sole discretion), the entire tree shall be removed. Any owner or person in control of any tree located within the City limits so determined to be infected with Dutch Elm Disease, the Emerald Ash Borer or any other form of infectious disease who shall fail or refuse to cut down and remove the same (or the infected portions) within fifteen (15) days after having been notified so to do by the City shall be guilty of a misdemeanor and shall be punished as provided in this Ordinance, provided, however, that any owner or person in control thereof may, prior to the expiration of said fifteen (15) day period, authorize in writing the City (through its authorized agents or contractors) to cut down and remove such infected tree (or the infected portions) at the sole cost and expense and responsibility of said owner or person in control.

**Section 4.** Any notice required or permitted to be given by the City under this Ordinance shall be sufficient if delivered to the owner or person in control of the property on which any tree within the City limits is located, or by mailing the same by first-class mail to his or her last known address. If the owner or occupant is not readily available for personal service, and if no mailing address for the owner is readily available, the notice may be served by posting a copy in a conspicuous place on the premises.

**Section 5.** Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense, or shall be punished by imprisonment for a period of not to exceed ninety (90) days for each offense, or may be both fined and imprisoned as provided herein. Each day that a violation is permitted to exist shall constitute a separate offense. The rights and remedies herein provided are cumulative and in addition to all other penalties provided by law.

**Section 6.**

(a) Abatement of Nuisance. In addition to the penalties provided in Section 5, any nuisance which violates any provision of this Ordinance, and which continues after the 15-day period prescribed in Section 3, shall be subject to abatement under one or more of the following procedures:

- (i) The Director of Public Service or his or her designee is hereby authorized to issue and serve upon a property owner or occupant a notice of violation of any applicable provision of this Ordinance, including a directive to correct or abate such violation within a reasonable period of time as specified in such notice. The owner or occupant may appeal such directive to the City Council by

written application filed with the City Clerk within the time period for abatement as specified in such notice (which notice shall advise the owner or occupant of such right of appeal). In connection with any such appeal, the City Council may reverse, affirm or modify the directive issued by the Director of Public Service.

- (ii) The Director of Public Service or his or her designee is hereby authorized to issue and serve appearance tickets upon any person whom the Director of Public Service has reasonable cause to believe has violated any provision of this Ordinance.
- (iii) The City Council may, after reasonable notice, order the abatement of any nuisance which violates any provision of this Ordinance.

If the owner or occupant fails to comply with any order or directive issued by the City Council or the Director of Public Service under subparagraphs (i) or (iii) above, or if the owner or occupant is unknown, the City may abate such nuisance by all necessary means (including without limitation entry upon private property by the City's authorized agents or contractors for the purpose of cutting and removing any infected trees or portions thereof).

(b) Liability for Costs. The City, its authorized agents and contractors shall not be liable in trespass or for any claims of damage in connection with any abatement or enforcement measures undertaken under subparagraph (a) above. Any and all costs and expenses incurred by the City in connection with such abatement or enforcement measures (including without limitation wages, salaries, benefits, overtime charges, equipment charges or fees of independent contractors) shall be the responsibility of the property owner or occupant that caused or suffered the nuisance condition. A property owner liable for costs under this subparagraph (b) shall, upon demand, reimburse the City in full for all such costs. Upon failure to satisfy such reimbursement obligation in full within thirty (30) days following such demand, the City shall be permitted at any time thereafter to commence a civil action to recover such costs or to assess such costs against the property in accordance with Section 11.9 of the City Charter. In connection with any civil action to recover costs, the City shall be entitled to recover, as a separate item of damages, the actual amount of attorneys' fees and other litigation expenses in connection with such civil action. Any order of abatement under this Section 6, and any civil liability imposed under this Section 6, shall be in addition to, and not in lieu of, any other penalties or responsibilities imposed by this Ordinance or by applicable law for violation of this Ordinance.

**Section 7.** If any provision of this Ordinance shall be held invalid, the remainder of

this Ordinance shall not be affected thereby.

**Section 8.** The provisions of Ordinance Nos. 125, 155 and 230 are hereby repealed.

**Section 9.** This Ordinance is declared to be immediately necessary for the preservation of the public peace, health and safety and is given immediate effect.

Enacted: March 20, 1995

Amended, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001.ORDINANCES]ORD\_COD\_7-15.DUTCH\_ELM

**CODE NO. 7-16 -- BURNING AND DISPOSAL OF COMBUSTIBLE REFUSE**

**Ordinance No. 172**

**AN ORDINANCE TO CONTROL THE BURNING AND DISPOSAL OF COMBUSTIBLE REFUSE IN THE CITY OF GROSSE POINTE FARMS AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** No person shall set or cause to be set, any fire for the purpose of burning vegetation, leaves, grass, weeds, brush, limbs or trees on any private or public property within the City.

**Section 2.** No person shall set or cause to be set, any fire for the purpose of burning waste materials or debris from buildings under construction, repair or demolition on any private or public property within the City.

**Section 3.** No person shall burn any trash, rubbish, papers or other such refuse in the City. The use of any indoor incinerator is prohibited.

**Section 4.** Disposal of the types of refuse described above shall be done in the following manner:

(a) Unless disposed of by private contractor, the types of refuse described in Section 1 hereof shall be placed in proper containers (except trees and limbs) and placed at the curb for pick-up by the City according to a schedule to be determined by the City Manager.

(b) The types of refuse described in Section 2 above shall be disposed of under private contract negotiated by the property owner.

(c) The types of refuse described in Section 3 above, unless disposed of by private contractor, shall be placed in proper containers and shall be picked up by the City weekly according to a schedule to be determined by the City Manager.



**Section 5.** Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to not more than ninety (90) days in jail and/or to pay a fine not to exceed Five Hundred Dollars (\$500.00).

**Section 6.** This Ordinance shall be effective immediately.

Enacted: August 4, 1969

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_7-12.COMBUST\_REFUSE

**CODE NO. 7-17 -- CONTROLLED SUBSTANCES ORDINANCE**

**Ordinance No. 189**

**AN ORDINANCE TO CONTROL THE POSSESSION AND USE OF CONTROLLED SUBSTANCES IN THE CITY OF GROSSE POINTE FARMS AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** No person shall possess or use any of the narcotic drugs, marijuana and other hallucinogenic substances, stimulants and depressants set forth in schedules 1 through 5 of the provisions of the Michigan Public Health Code pertaining to controlled substances, Michigan Compiled Laws Section 333.1101 et seq., collectively defined therein and hereinafter referred to as "controlled substances."

**Section 2.** No person shall at any time possess or use a hypodermic syringe or needle or any other instrument or implement adapted for use of controlled substances, whether by injection, inhalation, ingestion or any other manner or method of introduction.

**Section 3.** The holder of an appropriate registration or order form issued under and in conformance with the Michigan Public Health Code, and persons exempt from registration under the applicable provisions thereof, shall be exempt from the provisions of Section 1 and 2 hereof. In the absence of proof of such authorization or exemption, a person shall be presumed not to be so authorized or exempt. The burden of proof is upon such person to rebut the presumption.

**Section 4.** No person who has lawfully obtained the possession of any controlled substances or any of the instruments or implements proscribed by Section 2 hereof shall use the same or permit, authorize or facilitate their use for any purpose other than that specifically authorized in the registration, order or exemption by means of which such possession was lawfully obtained.

**Section 5.** Any misrepresentation, concealment of a material fact or subterfuge made or used for the purpose of obtaining or concealing the identity of any controlled substance or any instrument or implement proscribed by Section 2 hereof shall be deemed a violation of this ordinance.

**Section 6.** No person shall knowingly linger in, loiter about or frequent any residence, business establishment, vehicle, boat, or other place of any description whatsoever, where controlled substances or any of the instruments or implements proscribed by Section 2 hereof are unlawfully possessed, sold or used.

**Section 7.** Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to not more than ninety (90) days in jail and/or to pay a fine not to exceed Five Hundred Dollars (\$500.00), except that violations of this ordinance resulting solely from the use as contrasted with the possession of marijuana shall be punishable to a maximum extent of ninety (90) days in jail and/or a fine not to exceed One Hundred Dollars (\$100.00) for a first offense and ninety (90) days in jail and/or a fine not to exceed Two Hundred Dollars (\$200.00) for a second or subsequent offense. If a person who has not previously been convicted of any offense under this ordinance or under any similar ordinance, statute or act, is found guilty of violations of Sections 1, 2 or 6 of this ordinance, the court may, in its discretion and with the consent of such person, suspend entry of a judgment of guilt and place such person on probation upon terms and conditions. All subsequent proceedings shall be consistent with and in the manner provided in the Michigan Public Health Code.

**Section 8.** If any part or parts of this ordinance are for any reason held to be invalid or unconstitutional, such decision shall not effect the validity or constitutionality of the remaining portions of this ordinance.

**Section 9.** Ordinance No. 174, entitled "An Ordinance to Control the Possession and Use of Narcotics in the City of Grosse Pointe Farms and to Provide Penalties for the Violation of this Ordinance," adopted October 20, 1969, is hereby repealed in its entirety.

**Section 10.** This Ordinance shall take immediate effect.

Enacted: July 17, 1972

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001.ORDINANCES]ORD\_COD\_7-17.CONTROLLED\_SUB

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**CODE NO. 7-18 -- LITTER ORDINANCE**

**Ordinance No. 177**

**AN ORDINANCE TO DEFINE, CONTROL AND PROHIBIT THE LITTERING OF PUBLIC AND PRIVATE PROPERTY AND TO PROVIDE A PENALTY FOR VIOLATION OF THE TERMS HEREOF.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** No person shall deposit, place, throw or leave litter on any street, sidewalk, alley, public or private property in the City of Grosse Pointe Farms, other than in proper receptacles provided for such purpose.

**Section 2.** The term "litter" as used herein means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description.

**Section 3.** It shall be the duty of the owner or person in control of any premises in the City of Grosse Pointe Farms, vacant or occupied, to keep his or her premises, the adjoining sidewalks and public property, including streets and alleys, free of litter at all times. All litter so removed shall be placed in proper receptacles.

**Section 4.** Any person violating any provision of this Ordinance shall, upon conviction thereof, be sentenced to not more than ninety (90) days in jail and/or pay a fine not to exceed Five Hundred Dollars (\$500.00).

**Section 5.** It is hereby declared that this Ordinance is necessary for the preservation of the public peace, health and safety and, therefore, shall take effect upon its publication.

Enacted: June 15, 1970

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_7-18.LITTER

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**CODE NO. 7-19 -- SMOKING ORDINANCE**

**ORDINANCE NO. 336**

**AN ORDINANCE TO REGULATE THE USE OF TOBACCO PRODUCTS ON OR NEAR SCHOOL PREMISES AND AT SCHOOL FUNCTIONS, AND TO REGULATE THE USE, POSSESSION AND PURCHASE OF TOBACCO PRODUCTS BY MINORS.**

The City of Grosse Pointe Farms Ordains:

**Section 1. SMOKING AND TOBACCO PRODUCTS; MINORS.**

- (a) No person younger than eighteen (18) years of age shall purchase, offer or attempt to purchase, have in his or her possession or use any product which is a smoking device, tobacco, tobacco snuff, chewing tobacco or tobacco in any other form.
- (b) No person shall sell, furnish, give or deliver any product which is a smoking device, tobacco, tobacco snuff, chewing tobacco or tobacco in any other form, to any person younger than eighteen (18) years of age.
- (c) Any person younger than seventeen (17) years of age who violates this section shall be liable for a civil infraction and be subject to a fine not to exceed Fifty Dollars (\$50.00). A person who is seventeen (17) years of age or older who violates this section is guilty of a misdemeanor, punishable by a fine of not to exceed Fifty Dollars (\$50.00) for each offense.

**Section 2. TOBACCO PRODUCTS ON SCHOOL PROPERTY; USE OF TOBACCO BY STUDENTS.**

- (a) No person, regardless of age, shall use a tobacco product on school property or at any school-related function. In addition, no student shall, at any time, use a tobacco product within two hundred (200) feet of any outer-perimeter boundary of school property.

- (b) Any student regardless of age and/or any person younger than eighteen (18) years of age who violates subsection (a) shall be liable for a civil infraction fine not to exceed Fifty Dollars (\$50.00).
- (c) Any non-student person eighteen (18) years of age or older who violates subsection (a) shall be guilty of a misdemeanor punishable by a fine not to exceed Fifty Dollars (\$50.00) and/or ninety (90) days in jail.
- (d) As used in this section:
  - (1) "**School district**" shall mean a school district, local act school district, or intermediate school district, as those terms are defined in the Michigan Revised School Code, being sections 380.1 to 380.1852 of the Michigan Compiled Laws, as the same may be amended from time to time; a joint high school district formed under the Michigan Revised School Code; or a consortium or cooperative arrangement consisting of any combination of these.
  - (2) "**School property**" shall mean a building, facility, or structure and other real estate owned, leased, or otherwise controlled by a school district.
  - (3) "**School-related function**" shall mean any required or extracurricular activity, event, course, class or other scheduled occurrence relating in any way to the Grosse Pointe School System which is attended or intended to be attended by one or more students regardless of location.
  - (4) "**Tobacco product**" and the use thereof shall mean any of the following:
    - (i) The possession by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.
    - (ii) The inhaling or chewing of a tobacco product.
    - (iii) The placing of a tobacco product within a person's mouth.
  - (5) "**Student**" shall mean any person registered or enrolled as a full or part-time student within the Grosse Pointe Public School District except for Grosse Pointe Community Education registrants.

**Section 3.** If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 4.** This Ordinance shall take effect twenty (20) days after its enactment, or upon its publication, which is later.

Enacted: August 14, 1995

Technical Amendments, July 9, 2018, Ord. No. 392

WP6:[WPWTB.04439.0001]ORD\_SMOK.ING;4



CITY OF GROSSE POINTE FARMS  
WAYNE COUNTY, MICHIGAN

CODE NO. 7-20

CONSUMER FIREWORKS ORDINANCE

ORDINANCE NO. 395

AN ORDINANCE TO REVISE THE PERMITTED TIMES, LOCATIONS AND CONDITIONS FOR IGNITION, DISCHARGE AND USE OF CONSUMER FIREWORKS WITHIN THE BOUNDARIES OF THE CITY OF GROSSE POINTE FARMS, AS AUTHORIZED BY THE MICHIGAN FIREWORKS SAFETY ACT; AND TO REPEAL ORDINANCE NO. 389.

The City of Grosse Pointe Farms ordains:

**Section 1.** (a) Background and Purpose. The Michigan Fireworks Safety Act, MCL 28.451 et seq. (the “Act”) regulates the sale, display, storage, transportation and distribution of fireworks. The Act, as amended by Public Acts 634, 635 and 636 of the Michigan Public Acts of 2018, permits local units of government to regulate the ignition, discharge, and use of consumer fireworks. The City of Grosse Pointe Farms finds that the ignition, discharge and use of certain fireworks devices can be potentially harmful to public health, safety and welfare. Given the low-density residential character of the City of Grosse Pointe Farms, even the safe and proper use of fireworks devices can become excessive and harmful to the public welfare and full enjoyment of the amenities available to residents of the community. Accordingly, the purpose of this Ordinance is to restrict the permitted use of consumer fireworks, in a manner consistent with the Act, and in conformity with federal and state statutes and regulations and nationally-recognized standards governing the use of fireworks.

(b) Definitions. For purposes of this Ordinance:

(i) “Alcoholic Liquor” means that term as defined in section 1d of the Michigan Vehicle Code, MCL 257.1d, as the same may be amended from time to time.

(ii) “APA Standard 87-1” means the APA Standard 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition, published by the American Pyrotechnics Association of Bethesda, Maryland.

(iii) “Consumer Fireworks” means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 C.F.R. parts 1500 and 1507, and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer Fireworks do not include low-impact fireworks.

(iv) “Controlled Substance” means that term as defined in section 8b of the Michigan Vehicle Code, MCL 257.8b, as the same may be amended from time to time.

(v) “Fireworks” means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.

(vi) “Low-impact Fireworks” means ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1, 3.1.1.1 to 3.3.1.8, and 3.5.

(vii) “Minor” means an individual who is less than 18 years of age.

(c) Temporary Ban on Use of Consumer Fireworks. If the conditions described in Section 7d of the Act (MCL 28.457d) exist, and for so long as such conditions exist, the Director of Public Safety has the authority, following the provision of adequate notice to the public, to place a temporary ban on the ignition, discharge, and use of consumer fireworks within the boundaries of the City of Grosse Pointe Farms.

(d) Influence of Alcoholic Liquor and/or Controlled Substance. A person shall not discharge, ignite, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(e) Location of Ignition, Discharge and Use of Consumer Fireworks. A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization’s or person’s express permission to use those fireworks on those premises.

(f) Permissible Times for the Ignition, Discharge and Use of Consumer Fireworks. If otherwise permitted under subparagraphs (c), (d) and (e) above, a person may ignite, discharge, and use consumer fireworks on the following days and during the following hours:

1. Commencing 11:00 a.m. on December 31 until 1:00 a.m. on January 2;
2. Commencing 11:00 a.m. until 11:45 p.m. on the Saturday immediately preceding Memorial Day;
3. Commencing 11:00 a.m. until 11:45 p.m. on the Sunday immediately preceding Memorial Day;
4. Commencing 11:00 a.m. until 11:45 p.m. on each of June 29, June 30, July 1, July 2, July 3 and July 4;

5. Commencing 11:00 a.m. until 11:45 p.m. on July 5, but only if July 5 is a Friday or Saturday;

6. Commencing 11:00 a.m. until 11:45 p.m. on the Saturday immediately preceding Labor Day; and

7. Commencing 11:00 a.m. until 11:45 p.m. on the Sunday immediately preceding Labor Day.

Except as otherwise permitted under subparagraphs (c), (d) and (e) above and within the time parameters set forth in this subparagraph (f), a person shall not ignite, discharge, or use consumer fireworks within the boundaries of the City of Grosse Pointe Farms at any time.

(g) Ignition, Discharge and Use of Consumer Fireworks in the Presence of Minors. A person shall not sell, deliver, or otherwise provide consumer fireworks to a minor. The ignition, discharge, and use of consumer fireworks, if otherwise permitted under subparagraphs (c), (d), (e) and (f) above, may be undertaken in the presence of minors only by an adult not under the influence of alcoholic liquor or a controlled substance.

**Section 2.** Ordinance No. 389, enacted on September 9, 2014, is hereby repealed.

**Section 3.** Any person or persons violating any of the restrictions set forth in Section 1, subparagraph (d), (f) or (g) of this Ordinance, shall be deemed responsible for a civil infraction, and upon a finding of responsibility shall be punished by a fine of One Thousand Dollars (\$1,000.00) for each violation, and from that fine Five Hundred Dollars (\$500.00) shall be remitted to the Grosse Pointe Farms Department of Public Safety. Any person or persons violating any of the other provisions of this Ordinance, shall be deemed responsible for a civil infraction, and upon a finding of responsibility shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) for each violation.

**Section 4.** Any firework identified to be in violation of this Ordinance may be seized by the Grosse Pointe Farms Department of Public Safety and stored pending investigation and disposition of any proceedings arising from the violation. Upon a finding of responsibility, the seized firework may be disposed of or destroyed. A person from whom any firework is seized shall, upon a determination of responsibility, pay the actual costs of storage and disposal of the firework.

**Section 5.** If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 6.** This Ordinance shall take effect twenty (20) days after its enactment, or upon its publication, whichever is later.

Enacted: May 13, 2019

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**CODE NO. 8-01 -- WATER AND SEWAGE SYSTEMS ORDINANCE**

**Ordinance No. 105**

**AN ORDINANCE TO PROVIDE FOR THE OWNERSHIP, MAINTENANCE AND OPERATION OF THE CITY WATER AND SEWAGE SYSTEMS, FOR THE REGULATION OF WATER AND SEWAGE EQUIPMENT AND FACILITIES, FOR THE FIXING AND COLLECTION OF RATES AND CHARGES FOR WATER AND SEWAGE SERVICES, AND FOR REGULATION OF THE USE OF WATER, AND TO REPEAL ORDINANCES NOS. 2, 4, 57 AND 103**

The City of Grosse Pointe Farms ordains:

**Section 1.** The City shall own, maintain and operate a public utility for supplying water to the municipality and its inhabitants, and may sell and deliver water therefrom outside its corporate limits. It may modify or enlarge or reduce its water system as the Council may from time to time determine and may acquire or construct land, buildings, machinery, equipment, and other facilities for that purpose. The City may contract with other municipalities and public authorities, or others, for the furnishing of water to the municipality and its inhabitants, or others. The City may own, maintain or operate portions of its water system and facilities jointly with other municipalities and public authorities.

**Section 2.** The City shall own, maintain and operate a public utility for the disposal of sewage for the municipality and its inhabitants, and may dispose of or assist in the disposal of sewage from outside its corporate limits. It may modify, enlarge or reduce its sewage system as the Council may from time to time determine and may acquire or construct land, buildings, machinery, equipment and other facilities for that purpose. The City may contract with other municipalities and public authorities or others, for the disposal of sewage for the municipality and its inhabitants, or others. The City may own, maintain or operate portions of its sewage system and facilities jointly with other municipalities and public authorities.

**Section 3.** The City shall have full control over all water and sewage systems maintained by it, and have established standards, specifications and other requirements for all connections with such systems, and all water and sewage pipes, mains, plumbing, fixtures, valves, controls and equipment on municipal or private property in the City which connect with the water or sewage systems or affect water or sewage passing through such systems. Copies of the Standards and Regulations for the Design and Construction of Sewers and the Discharge of Industrial or Commercial Waste into the Wastewater Treatment System of the City of Grosse Pointe Farms have been adopted by the City Council and are on file in the office of the City Clerk, available for

inspection and distribution to the public at all times. Meters for measurement of the use of water and sewage facilities may be required, at the expense of the owner or occupant of the property. The furnishing of water or sewage service to any property is conditioned upon compliance with the requirements of the City as to the matters described in this section and compliance with all Rules and Regulations adopted by the City. In the event of failure of any owner or occupant to comply with any requirement imposed hereunder, the City may install, replace, repair or modify, water or sewage facilities or take other action to effect compliance herewith on the property involved, and the expense thereof may be charged against the owner or occupant of the property and may be added to and collected with the rates and charges for water and sewage service.

**Section 4.** The Council may fix from time to time such just and reasonable rates as may be deemed advisable for supplying the inhabitants of the City and others with water and sewage services and may provide penalties for delinquent payment of such rates or charge. The City shall have as security for the collection of rates and charges for water and sewage services a lien upon the real property supplied by such services, which lien shall become effective immediately upon the supplying of such services. Delinquent rates and charges for water and sewage services and liens therefor may be enforced in the same manner as delinquent taxes on real property and liens therefor. Water and sewage services may be discontinued in case of delinquency in paying the rates and charges therefor, in the discretion of the Council, and after due notice. Suit may be instituted by the City in any court of competent jurisdiction for the collection of water and sewage rates and charges. No attempt to collect such rates and charges by legal process shall in any way invalidate or waive the lien upon the property.

**Section 5.** The City Council may establish rules and regulations for the use of water supplied by the City, and may prohibit and limit sprinkling or other uses of water during specific hours over specified periods when and to the extent deemed necessary in the interest of public health, safety and welfare.

**Section 6. Penalties.**

- (a) Any person who knowingly makes any false statement or representation in any application, record, report, plan or other document filed or required to be maintained under this ordinance or any rule or regulation hereunder or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required by regulation shall, upon conviction, be punished by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment for not more than ninety (90) days, or both, in the discretion of the court.

- (b) Any person violating any of the provisions of this ordinance or any rule or regulation hereunder shall be liable to the City of Grosse Pointe Farms for any penalty, fine, expense, loss or damage incurred by the City as a result of such violation.
- (c) Any person violating any provision of this ordinance or any rule or regulation hereunder shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500) or imprisonment for not more than ninety (90) days, or both, in the discretion of court. Each violation and every day upon which a violation occurs shall constitute a separate offense.

**Section 7.** The following ordinances are hereby repealed: Ordinance No. 2, Adopted July 3, 1907, Entitled "An Ordinance To Provide for the Management And Control of The Village Water System and To Establish Rules and Regulations For the Government Thereof"; Ordinance No. 4, Adopted July 3, 1907, Entitled "Water System Ordinance"; Ordinance No. 57, Adopted January 15, 1940, Entitled "An Ordinance To Provide For Penalties To Be Added To Water Bills And To Provide For The Shutting Off Of The Supply of Water In Certain Cases"; Ordinance No. 103, Adopted July 3, 1907, Entitled "An Ordinance to Regulate The Use of Water From The Water Distribution System Of the City of Grosse Pointe Farms." All liabilities For Rates And Charges, And Penalties For Water And Sewage Service Existing At The Time This ordinance Takes Effect Shall Be Continued, Unaffected By The Repeal Of Prior Ordinance.

**Section 8.** If any provision of this ordinance shall be held invalid, the remainder of the ordinance will not be affected.

**Section 9.** The ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: December 21, 1953

Sec. 3 Am. June 18, 1984, Ord. No. 271  
Sec. 6 Am. June 18, 1984, Ord. No. 271  
Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_8-01.WATER\_SEWAGE

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**CODE NO. 8-02 -- SIDEWALK ORDINANCE**

**Ordinance No. 102**

**AN ORDINANCE REGULATING THE INSTALLATION AND REPAIR OF SIDEWALKS IN THE CITY OF GROSSE POINTE FARMS, PROVIDING FOR NOTICE TO THE OWNER, OCCUPANT, OR PARTY IN INTEREST OF THE PREMISES, AND ASSESSMENT OF COST THEREOF, AND TO REPEAL ORDINANCE NO. 49.**

The City of Grosse Pointe Farms ordains:

**Section 1.** That hereafter (i) when there shall be lacking any sidewalk paralleling a street on any parcel of land abutting such street and when the Council shall have determined by resolution that a sidewalk should be installed or (ii) when any sidewalk becomes out of repair within the City of Grosse Pointe Farms, the Director of Public Service shall give the owner, occupant, or party in interest of the premises in front of or adjacent to which such sidewalk is lacking or is located, as the case may be, notice to install or repair the same within thirty (30) days (or such longer period of time as may be specified by the Director of Public Service, taking into account seasonal construction periods), and in default thereof the Director of Public Service shall have the power to install or repair said sidewalk and charge the cost and expenses thereof, together with an administrative fee of ten percent (10%) in addition thereto, to such owner, occupant, or party in interest.

**Section 2.** The notice aforesaid, in addition to specifying the time in which said sidewalk shall be installed or repaired, shall also state that work must be done in accordance with specifications for new work furnished by the Director of Public Service in installing or repairing said sidewalk.

Service of notice may be made upon such owner, occupant or party in interest by first-class mail to the last known address as recorded on the tax rolls of the City Treasurer; or may be made personally upon such owner, occupant or party in interest; or posted in a conspicuous place upon the premises in front of or adjacent thereto or upon such sidewalk, which is to be installed or repaired.

**Section 3.** If any person so notified shall not have installed or repaired or reconstructed such sidewalk within the time above mentioned, it shall be the duty of the Director of Public Service to install or repair or reconstruct such sidewalk in front of or adjacent to the premises of the owner, occupant, or party in interest so in default. The cost and expense of such installation, repairs

or reconstruction of said sidewalk, together with an administrative fee of ten percent (10%) in addition thereto, shall be charged to such owner, occupant, or party in interest.

In case of the non-payment by the owner, occupant, or party in interest of the cost and expense of the installation, repair or reconstruction, together with the administrative fee described above (provided that such administrative fee shall not exceed Five Hundred Dollars (\$500.00)), suit may be brought in any court of competent jurisdiction to recover the same, or the cost and expense of such installation, repair or reconstruction, together with an administrative fee of ten percent (10%) in addition thereto (but not in excess of Five Hundred Dollars (\$500.00)), may be assessed against the owner of the premises in front of or adjacent to which such sidewalk is lacking or is located as the name of such owner shall appear upon the current tax roll of the City in accordance with the procedure set forth in Chapter 11 of the Charter of the City of Grosse Pointe Farms and the Special Assessment Ordinance (Ordinance No. 87) of the City of Grosse Pointe Farms adopted May 15, 1950, as amended.

**Section 4.** Ordinance Number 49, adopted December 7, 1936, entitled "An ordinance regulating the repair of sidewalks; providing for notice to the owner, occupant, or party of interest of the premises, and assessment of cost thereof" is hereby repealed.

**Section 5.** If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby.

**Section 6.** This ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted March 16, 1953

Sec. 1 Am. March 4, 1985, Ord. No. 277  
Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_8-02.SIDEWALK



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**CODE NO. 8-03 – MUNICIPAL SOLID WASTE ORDINANCE**

**Ordinance No. 69**

**AN ORDINANCE TO REGULATE THE HANDLING AND COLLECTION OF MUNICIPAL SOLID WASTE, TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF AND TO REPEAL ORDINANCE #24 ENTITLED "AN ORDINANCE TO REGULATE THE DEPOSIT, COLLECTION, REMOVAL AND DISPOSAL OF GARBAGE OFFAL AND OTHER ANIMAL OR VEGETABLE REFUSE" AND ALL ORDINANCES OR PARTS OF ORDINANCES CONTRAVENING THE PROVISIONS OF THIS ORDINANCE.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Definitions**

The following definitions shall apply for the purpose of this ordinance:

(a) **Municipal Solid Waste:**

Municipal solid waste or wastes consist of certain discarded products incident to or resulting from housekeeping and commercial or community service enterprises, as further defined under the subdivisions pertaining to garbage, rubbish and yard waste.

(b) **Garbage:**

Garbage is all animal, fruit and vegetable waste matter incident to or resulting from the use, storage, and preparation of food, including spoiled food but excluding food containers and dead animals.

(c) **Rubbish:**

Rubbish is all miscellaneous waste matter, except garbage and yard waste as herein defined, incident to or resulting from housekeeping, residential premises, ordinary business, commercial or community service enterprises, but does not include (i) waste from building construction, alteration and repair, (ii) earth or dirt from excavations, (iii) Hazardous Materials, and (iv) such other materials or waste matter as may be excluded from time to time by the Department.

(d) Department:

Department means the Department of Public Works of the City of Grosse Pointe Farms.

(e) Director:

Director means the Director of Public Service.

(f) Hazardous Materials:

Hazardous Materials shall mean any and all hazardous materials as defined under applicable Michigan statutes, as amended from time to time, and as identified in the administrative rules promulgated from time to time by the Michigan Department of Natural Resources or the Michigan Department of Environmental Quality, and waste from an institution such as a hospital or an institution of like nature and waste from pharmaceutical establishments and doctors' offices that does not fall within the definition of rubbish.

(g) Recyclable Materials:

Recyclable materials shall mean the following commingled and/or pre-sorted materials that are separated from other rubbish prior to the collection thereof, and whether left at curb-side or at a drop-off center for collection: high grade paper, glass, metal, plastic, aluminum, newspaper or corrugated paper.

(h) Yard Waste:

Yard waste shall mean cut grass, yard clippings, fallen leaves and other discarded vegetation materials incidental to gardening or the maintenance of lawns and landscaped areas.

## **Section 2. Receptacles**

The occupant or occupants of every building where wastes accumulate, and in case of a multiple dwelling as defined in the Michigan Housing Code, the owner, lessee or agent, shall cause to be provided for said building, keep clean and in place, receptacles as herein described. Receptacles that are badly broken or otherwise fail to meet the requirements of this ordinance may be classified as rubbish and after due notice to the users, be collected as rubbish by the Department.

(a) Garbage must be kept in a suitable container (as described below) and placed in a location convenient for collection. Rubbish must be kept in a suitable container (as described below), or so wrapped or tied as to prevent scattering, unless it is of sufficient size or weight to be handled separately, and placed in a location convenient for collection. Yard waste shall be placed in the types of bags that are designated by the Department for such purpose, separated from garbage and rubbish, and placed in a location convenient for collection. The City Council may by resolution designate a separate procedure for the seasonal collection of fallen leaves. Pieces of trees shall be broken or cut so as not to exceed four (4) feet in length. Recyclable materials shall be kept in the container designated by the Department for such purpose and placed in a location convenient for collection.

(b) All receptacles and containers shall be located within private property lines and on the ground level of the premises, except as otherwise directed or permitted in writing by the Department, and shall not be overloaded. No person shall disturb the contents of any waste receptacle, container or bundle and leave the receptacles, containers or contents in a condition other than this ordinance provides. All receptacles and containers must be maintained in a sanitary condition.

### **Section 3. Collection**

(a) Garbage, rubbish and yard waste will be collected by the Department from residential premises without additional charge on schedules approved by the City Council. The containers for garbage and rubbish from residential premises shall be of the metal galvanized type of garbage container, not exceeding thirty (30) gallons, or a hard plastic container not exceeding thirty (30) gallons, or shall be of a plastic bag no less than two (2) mills thick. All containers shall be tightly secured with a water tight lid or in the event of a plastic bag shall be tied or fastened at the top so that when filled the contents are prevented from being spilled, blown, strewn or molested by the forces of nature, animals, insects or persons. Rubbish collectors shall not remove from residential property or premises any refuse not properly deposited and secured as provided in this Ordinance. The maximum weight of any said containers or bags when filled shall not exceed forty (40) pounds including the weight of the container or bag. Recyclable materials will be collected on schedules approved by the City Council subject to a collection fee established by the City Council from time to time by resolution.

(b) Garbage and rubbish will be collected by the Department from business, commercial and community service establishments on schedules approved by the City Council and at the rates for such services as established by the City Council from time to time by resolution. Garbage and rubbish from business, commercial and community service

establishments shall be placed upon such premises either in a metal container that is waterproof and rodent-proof, which metal container may be a “front load container” with a capacity of two (2) or three (3) cubic yards, or in a container of the type described for use by residential premises in Section 3(a) of this Ordinance. Any business, commercial or community service establishments encompassed within this subsection having a high volume of refuse may have up to two (2) additional containers and/or such establishments may have a compactor type container, provided in either event that such special arrangement is agreed upon in advance with prior approval of the Director. Yard waste shall not be collected from business, commercial or community service establishments unless special arrangements have been made with prior approval of the Director.

Garbage and rubbish containers at business, commercial and community service establishments shall be placed upon the premises in a manner that on the collection day a rubbish disposal truck may drive directly to the container.

All of said containers shall be windproof and equipped with a lid that a rubbish vehicle will automatically open said lid for dumping purposes. Such lid shall otherwise always be closed except when the container is being filled with refuse or is being emptied.

All garbage and rubbish containers and collection areas shall be properly enclosed by an obscuring structural appurtenance or landscaping as required by the City of Grosse Pointe Farms Zoning Ordinance, Ordinance No. 192, as amended.

Two (2) or more business, commercial or community service establishments may utilize the same container(s).

It shall be unlawful for any business, commercial or community service establishment to permit refuse upon any portion of the premises outside of buildings that is not confined in the type of container described in this subsection, provided, however, those establishments which pack or bail their own cartons may store such refuse (provided all boxes and cartons are broken down and tied into bundles) in a suitable container or in such other manner on the premises as may be approved by the Director.

Any business, commercial or community service establishment may have more than its regularly scheduled pick-ups if prior approval is obtained from the Director.

- (c) Any business, commercial or community service premises or establishment which because of its volume may have containers of a compactor type exceeding two (2) cubic yards of loose material or any such premises which uses a “roll-off” container or closed top compaction roll-off skid may, with the permission of the Director and upon payment to the City of a fee in an amount as established by resolution of the City Council from time to time, make its private arrangement for the disposal of refuse with an independent contractor.
- (d) The rubbish collection services of the City shall be under the supervision and direction of the Director. The Director shall adopt such reasonable rules and regulations concerning the collection of rubbish as he or she shall deem proper, subject to the approval of the City Council. No person shall fail to observe any such rule or regulation so adopted.

**Section 4. Litter**

No person shall deposit or cause to be deposited, sort, scatter, or leave any garbage or rubbish, or any yard waste, or any other waste or discarded material, including waste or discarded materials or lumber from building construction, alteration and repair and earth or dirt from excavations in any public street, alley, or place, or public property of the City of Grosse Pointe Farms, or maintain any structure or thing containing the same in any public street, alley, place or public property of the City of Grosse Pointe Farms, except as provided in this ordinance or by other regulations or ordinances of the City of Grosse Pointe Farms. To the extent permitted by resolution of the City Council from time to time, fallen leaves may be placed adjacent to the public right-of-way on designated days to facilitate timely collection.

**Section 5. Human and Animal Excreta**

It shall be unlawful for any person, firm, or corporation to place or deposit or cause to be placed or deposited any human or animal excreta or animal manure in any receptacle used for garbage or rubbish, provided that animal excreta from pets or other domestic animals may be disposed of in plastic bags not less than two (2) mills thick (or double-bagged to achieve such thickness) and securely tied.

**Section 6. Authorized Hauling of Refuse and Duties of Private Collectors**

- (a) It shall be unlawful for any person, firm, partnership, limited partnership, corporation, limited liability company, association or business entity of any type to engage in the collection, transportation, hauling or

disposal of refuse or recyclable materials deposited for collection under this Ordinance unless the same are employed by the City or authorized to make such collections by a resolution of the City Council. The City Council may by resolution authorize certain persons, firms, partnerships, limited partnerships, corporations or limited liability companies (hereinafter referred to as "Private Collectors") to collect municipal solid wastes or recyclable materials. Any such Private Collector so authorized by the City Council to collect municipal solid wastes or recyclable materials shall comply with the following requirements:

(i) Such Private Collector shall be responsible for any act or omission which results in the discharge of any contents of any vehicle upon the streets, alleys or other private or public places in the City of Grosse Pointe Farms, and it shall be the driver's duty forthwith to remove from any such street, alley or other private or public places in the City of Grosse Pointe Farms any refuse or recyclable materials which have been so discharged. It shall be the duty of the Director to enforce the provisions of this Ordinance, and the Director shall have the right to impound any vehicle associated with any violation of this subsection until the Director receives adequate assurance of full and continued compliance with this subsection.

(ii) Such Private Collector shall furnish at its own expense and keep in force at all times sufficient liability insurance protecting both the Private Collector and the City of Grosse Pointe Farms. Such insurance shall be supplied in an amount of not less than One Million Dollars (\$1,000,000) for injuries or death to any one person, and property damage insurance in an amount of not less than Five Hundred Thousand Dollars (\$500,000) for any occurrence. The Private Collector shall submit to the Director a certificate of insurance naming the City of Grosse Pointe Farms as an "Additional Insured" and "Certificate Holder" entitled to thirty (30) days written notice prior to any cancellation or reduction in the coverages afforded by such insurance. Such Private Collector also shall supply all necessary insurance required by applicable federal and state regulations.

(iii) Such Private Collector shall comply with the requirements of the Michigan Workers' Compensation laws, and shall at its own expense maintain such insurance as will protect such Private Collector from any and all claims under said laws.

(iv) Such Private Collector shall at its own expense maintain such additional insurance as will protect such Private Collector from any other claims for personal injuries, including death, which may arise from operations under any contract between the Private Collector and the City of Grosse Pointe Farms, whether such operation is by the Private Collector or by anyone directly or indirectly employed by such Private Collector. The Private Collector will protect, defend and hold harmless the City of Grosse Pointe Farms from and against any damage, claim, liability or expense whatsoever, or any amount paid in compromise thereof, arising out of or connected with the performance of such contract.

(b) It shall be unlawful for any person, firm, partnership, limited partnership, corporation, limited liability company, association or business entity of any type to engage in the collection, transportation, hauling or disposal of municipal solid waste from any business, commercial or community service establishment (including without limitation any school, church, private club, hospital, fraternal organization, office or other commercial establishment) within the City of Grosse Pointe Farms without having a valid license issued by the City permitting such activity. The provisions of this Section 6(b) shall not apply to persons, firms, partnerships, limited partnerships, corporations, limited liability companies, associations or business entities engaged in or contracting for the collection, transportation, hauling or disposal of any hazardous materials or recyclable materials. Any person, firm, partnership, limited partnership, corporation, limited liability company, association or business entity desiring a license to collect, transport, haul or dispose of municipal solid waste from any business, commercial or community service premises within the City of Grosse Pointe Farms shall file an application for such license with the City Clerk on forms provided for such applications. The City Clerk may consider applications and issue licenses subject to the following requirements:

(i) All licensees must satisfy the requirements for Private Collectors set forth in Section 6(a) of this Ordinance. In addition, each licensee must provide to the Director (A) a list of customers and the estimated number of cubic yards of solid waste and refuse to be collected from such customers on a monthly basis; (B) a current copy of any contract or agreement for the disposal of such waste or refuse; (C) an agreement that

the licensee will comply with the City requirement that all permitted municipal solid waste and refuse (excepting recyclable materials) collected by the licensee will be disposed of at the transfer station and/or landfill designated by the City for disposal of municipal solid wastes, and providing that the licensee will pay to the City of Grosse Pointe Farms the amount of charges made to the City by any applicable refuse disposal authority for all items disposed of at such authority by the licensee in accordance with any schedule adopted by resolution of the City Council; and (D) a letter of credit, cash bond or other security satisfactory to the City Clerk, in the amount of Five Thousand Dollars (\$5,000.00) in favor of the City of Grosse Pointe Farms to ensure that the licensee will comply in full with its contractual and monetary requirements as aforesaid. Such letter of credit or other security must be issued by an institution satisfactory to the City Clerk. Any cash bond shall be retained by the City for a period of ninety (90) days after the expiration of any license, and thereafter the unused portion shall be returned to the licensee with interest thereon at the rate of six percent (6%) per annum. If the City is billed directly by the refuse disposal authority for charges related to items disposed of by the licensee, the licensee shall reimburse the City promptly upon receipt of an invoice for such charges.

(ii) Each license application shall be accompanied by payment of One Hundred Dollars (\$100.00), payable to the City of Grosse Pointe Farms as an annual license fee. Each license issued under the provisions of this Ordinance shall expire on the 30th day of June of each year. The fee for any new license shall be reduced by one-twelfth (1/12) for each full month that has elapsed from the June 30th immediately preceding the date of submission of the license application.

(iii) Each licensee shall receive from the City Clerk a license plate or tag, which shall be posted conspicuously on the left side of any motor vehicle operated in connection with the licensee's business. If any licensee uses more than one motor vehicle, additional license plates or tags will be furnished at a charge of Five Dollars (\$5.00) for each additional plate or tag.

(iv) No licensee shall be deemed to be an agent of the City of Grosse Pointe Farms for any purpose. The licensee shall be held responsible for full compliance with the rules and regulations of any



applicable refuse disposal authority concerning the type of materials acceptable by such authority for disposal. Any violation of the rules or regulations of such authority resulting in damage to any disposal facilities, or creating a stoppage of such facilities or the imposition of any penalty by governmental authorities upon such authority, shall be charged to the licensee. The licensee shall indemnify, defend and hold harmless the City of Grosse Pointe Farms for any liability or responsibility in connection with any such violation or damage.

(v) Any license issued hereunder may be revoked by action of the City Council upon a finding that the licensee has failed, neglected or refused to comply with the regulations set forth in this Ordinance or the applicable regulations of the applicable refuse disposal authority. Prior to such revocation, the City Council shall cause the licensee to be advised of the alleged violation, and the licensee shall be afforded the opportunity for a hearing before the City Council to respond to the alleged violation. Any license revoked by action of the City Council shall not be reissued or reinstated to such former licensee for a period of at least one year from the date of revocation.

(vi) Should any licensee fail, neglect or refuse to reimburse the City for charges made to the City by the refuse disposal authority for solid waste or refuse delivered to such authority by the licensee, and should such charges remain unpaid by the licensee to the City for a period of thirty (30) days from and after the date of any invoice submitted to the licensee, the license issued hereunder shall automatically be revoked and said licensee shall not be authorized to collect any refuse within the City until such invoice is paid in full, together with a reinstatement fee in the amount of Two Hundred Fifty Dollars (\$250.00).

(vii) Each licensee shall cause to be delivered monthly to the refuse disposal authority all burnable rubbish and refuse collected within the City of Grosse Pointe Farms.

### **Section 7. Disposal of Hazardous Materials; Disposal of Batteries**

It shall be unlawful for any person, firm, partnership, limited partnership, corporation, limited liability company, association or business entity of any type to dispose of any hazardous

materials in the rubbish in the City of Grosse Pointe Farms. All hazardous materials must be handled and/or disposed of strictly in compliance with applicable Michigan statutes, regulations and directives of state authorities and agencies. It shall be unlawful for any person, firm, partnership, limited partnership, corporation, limited liability company, association or business entity of any type to dispose of any battery, including, but not limited to any car, household, dry cell, alkaline, rechargeable or button cell battery, in the rubbish in the City of Grosse Pointe Farms except in accordance with this Ordinance. All batteries to be disposed of shall be separated from other rubbish and placed for pick-up by the Department with the regularly scheduled collection of rubbish in a separate clear bag or other container which is clearly visible to the refuse collector. Nothing contained in this Section shall be deemed to prevent or make it unlawful for any recycling center or any other drop-off or collection place for used or spent batteries.

### **Section 8. Charges for Service**

The owner or occupant of business, commercial and community service establishments shall be charged for refuse collection and disposal at the rates as established by resolution of the City Council from time to time.

The charges for refuse collection and disposal from business, commercial and community service premises or establishments shall be billed by the City of Grosse Pointe Farms to each owner or occupant having control of any business, commercial or community service establishment in the City. Such billing shall be on a regular basis and in such a manner as established by the City Council.

All charges for the services rendered in this Ordinance may be changed from time to time by resolution of the City Council with notice of such change and a copy of the resolution being published in a newspaper of general circulation within the City of Grosse Pointe Farms.

### **Section 9. Penalty**

Any person, firm, partnership, limited partnership, corporation, limited liability company, association or other business entity found guilty of violating any provision of this Ordinance shall be punished by fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in a County jail for a period not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the court.

**Section 10. Repeal**

Ordinance #24 entitled "An Ordinance to regulate the deposit, collection, removal and disposal of garbage offal and other animal or vegetable refuse", and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance, be and the same are hereby repealed.

**Section 11.** If any clause, sentence, paragraph or part of this Ordinance shall for any reason be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the clause, sentence, paragraph or part hereof directly involved in the controversy in which said judgment or decree shall have been rendered.

**Section 12.** It shall be unlawful for any person other than regularly employed persons or employees of the Department to collect, disturb, scavenge, rifle or in any other manner interfere with, damage, destroy or remove rubbish or recyclable materials placed in receptacles or containers or to interfere in any manner with rubbish or recycling receptacles or containers in the City of Grosse Pointe Farms, except as otherwise provided in this Ordinance.

**Section 13.** This Ordinance shall take effect twenty (20) days after it is enacted.

Enacted December 20, 1943

Sections 1, 2, 3, 6, 8, 9 and 12 Amended June 18, 1990, Ord. No. 303

Sections 1 and 6 Amended October 15, 1990, Ord. No. 305

Section 6 Amended June 15, 1992, Ord. No. 313

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_8-03.MUNICIPAL\_WASTE

**CODE NO. 8-04 -- PARK ORDINANCE**

**Ordinance No. 113**

**AN ORDINANCE TO PROVIDE FOR THE CONTROL, MAINTENANCE AND OPERATION OF THE PUBLIC PARKS OF THE CITY OF GROSSE POINTE FARMS, AND TO REPEAL ORDINANCES NO. 71 and 72.**

The City of Grosse Pointe Farms ordains:

**Section 1.** The maintenance, operation, alteration, improvement, equipment and use of the public parks of the City of Grosse Pointe Farms shall at all times be subject to the control of the City Council.

**Section 2.** The City Council may:

- (a) Determine the hours at which the parks, or any of them, shall be open for public use.
- (b) Provide a system of permits for admission to the parks, or any of them, and for the use of boat mooring spaces and other park facilities; and require applications for such permits and prescribe forms therefor; and provide for the suspension or revocation of such permits for improper use of park facilities, untrue statements in applications for permits, improper use of permits, or other cause.
- (c) Establish regulations for the launching, mooring and use of boats; for the parking of automobiles, bicycles and other vehicles; for the use of docks, piers, platforms, bathhouses, lockers, buildings and other facilities; for fishing, swimming, bathing, picnicking, games and sports; and for other uses of the parks and park facilities; and may fix fees and charges for the use of any park facility.
- (d) Establish such other regulations as the City Council may deem necessary or advisable to protect and further the safe and proper use and enjoyment of the public parks, by persons entitled thereto.

**Section 3.** The public parks of the City shall be open for use only by bona fide residents of the City and persons owning property in the City. The Council shall have the power by regulation to provide for the limited use of the parks by guests of residents or property owners when accompanied by such residents or property owners and for the issuance of courtesy passes when it is deemed to be in the best interest of the City to do so.

**Section 4.** No person while in or about the parks of the City shall engage in any conduct threatening, endangering or impairing the safety, health or comfort of others, or shall indulge in profane or indecent language, or any improper or indecent conduct, or any unduly boisterous or offensive conduct of any character.

**Section 5.** The City Council may make leases or other arrangements for the sale of food, drink and other articles in the City parks, from fixed establishments, or vehicles, or otherwise, under such terms and conditions and subject to such rents, fees, terms, conditions and restrictions as the Council may determine for the safety, health, comfort and enjoyment of the public.

**Section 6.** All persons using the public parks shall be liable to the City for all loss and damage to public property resulting from such use. The City shall not be responsible or liable for any loss or damage to any public property arising from the maintenance or operation of the public parks, except as it may expressly assume such liability by contract.

**Section 7.** Any person violating any provision of this ordinance or any rule or regulation hereunder shall upon conviction be subject to a fine of not more than One Hundred Dollars (\$100.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court. Each act of violation and every day upon which the violation shall occur shall constitute a separate offense.

**Section 8.** The following ordinances are hereby repealed: Ordinance No. 71, adopted April 3, 1945, entitled "AN ORDINANCE TO REGULATE THE USE OF THE VILLAGE PIER, BATHING FACILITIES, PARKING AND RECREATIONAL GROUNDS, AND TO PUNISH VIOLATIONS THEREOF AND TO REPEAL ORDINANCE NO. 54"; Ordinance No. 72, adopted April 3, 1945, entitled "AN ORDINANCE TO REGULATE THE USE BY BOATS OF THE VILLAGE PIER, DOCK AND HARBOR FACILITIES, TO PROVIDE CHARGES THEREFOR AND PUNISH VIOLATIONS THEREOF."

**Section 9.** The City Manager is given express authority by the City Council to establish rules and protect and further the safe and proper use and enjoyment of the public parks and public pier of the City of Grosse Pointe Farms. All such rules and regulations shall be presented to the City Council, which shall by resolution adopt and ratify said rules and regulations. When adopted by the City Council, these shall be posted in each park, pier, or playing field. "Violation of these rules and regulations shall be unlawful and may be enforced by the Public Safety Department of the City of Grosse Pointe Farms or, to the extent permissible by law, the Department of Parks and Recreation."

**Section 10.** If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby.

**Section 11.** This ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: December 20, 1954

Sec. 3 Am. Apr. 18, 1960, Ord. No. 142

Sec. 9 Added, Am. July 16, 1979, Ord. No. 233

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_8-04.PARK

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**SWIMMING REGULATIONS**

**Under**

**CODE NO. 8-04 - PARK ORDINANCE**

The following are regulations governing swimming at the City Pier Park adopted under Ordinance No. 113, Code 8-04, an ordinance to provide for the control, maintenance and operation of the public parks of the City of Grosse Pointe Farms.

**Section 1.** The operation and maintenance of the swimming facilities at the City Pier Park shall be under the direct supervision of the Director of Public Service and under the general supervision of the City Manager.

**Section 2.** The swimming pool shall be filled and open for use from Memorial Day through Labor Day unless in the opinion and at the direction of the City Manager it should be closed for any time during such period. Weather permitting, the swimming pool may remain open for use during such extended dates as may be determined by the City Manager or the City Council.

**Section 3.** The Director of Public Service shall prepare a list of instructions for all personnel employed at the Pier Park in connection with swimming and shall also develop summaries of the applicable regulations to be posted in appropriate places all in accordance with the following rules:

**A. Pool Deck Rules**

1. No running on the pool deck.
2. No street clothes allowed on the pool deck.
3. No food or glass bottles on the pool deck.
4. No fighting or pushing on the pool deck.
5. No smoking on the pool deck.
6. No ball throwing on the pool deck or in the pool.

**B. Pool Rules**

1. No swimming alone or without supervision.
2. No swimming under the diving board.
3. No floating devices or toys allowed in the pool.
4. No fighting or horseplay.
5. No tag or follow-the-leader games.

6. All persons must take a nude soap shower before entering the Pool and all hairpins and other such accessories shall be removed before entering the pool.
7. Swimmers having skin lesions, sore or inflamed eyes, mouth or ear discharges, carrying communicable diseases, or having any type of bandage, medication, adhesive tape, etc. on body will not be permitted in the pool.
8. No swimming during thunderstorms (lightning danger).
9. Use of face masks and snorkel tubes prohibited.

**C. Diving Board Rules**

1. One person on a board at a time.
2. Hanging on the boards is not allowed.
3. One bounce on the board per dive.
4. No diving off boards sideways.
5. No diving will be permitted in any part of the Park other than the designated diving area in the pool.

**D. Sand Beach Rules**

1. No food or glass bottles shall be allowed on the beach.
2. No fighting or horseplay on the beach.
3. No swimming alone or without supervision.
4. The City Manager shall determine what times swimming off the beach shall not be allowed.

**E. Bath House Rules**

1. Food, gum, glass bottles, etc. shall not be allowed in the bath house and no smoking shall be allowed.
2. Running, horseplay or loitering will not be tolerated in the bath house.
3. No personal property shall be left in the bath house unless it is properly deposited with the checkroom.
4. A nude soap shower shall be required before entering the pool area from the bath house.

**F. Lifeguards**

1. Each lifeguard will be held responsible for the lifesaving equipment at his or her own particular station.



2. All lifeguards must be thoroughly familiar with the location and the condition of the resuscitator.
3. All lifeguards must practice swimming and rescue work daily under the supervision of the Pier Park Recreation Director. These practice periods can be arranged so that they will not interfere with regular duties.
4. Guards are not to engage in unnecessary convention.
5. Lifeguards must have daily examinations, and anyone having skin lesions, sore or inflamed eyes, mouth or ear discharges, carrying communicable diseases, or having any type of bandage, adhesive tape, etc., on body will not be permitted to work.
6. Lifeguards shall not operate the pool water treatment system unless directed to do so by the Pier Park Recreation Director.

**Section 4.** The pool water treatment system shall be maintained daily by an employee of the City's water treatment plant designated by the City Manager. Normal daily operation shall be under the direction of the Director of Parks and Recreation.

**Section 5.** The City Manager together with a pool consultant will formulate a list of jobs to be performed concerning the proper opening and closing of the pool and shall have such work performed by properly trained personnel at the beginning and end of each season.

**Section 6.** The City, in maintaining and operating the swimming pool, pool deck area, sand beach, and bath house, shall not in any way be liable for loss or damage to any person or property.

**Section 7.** Any person violating any rule or regulation hereunder shall be subject to have his or her rights to use any part of the City's Pier Park revoked or canceled by the Director of Parks and Recreation.

Adopted May 24, 1965

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_8\_04.SWIM\_REGS

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**DOCK & HARBOR REGULATIONS**

**Under**

**CODE NO. 8-04--PARK ORDINANCE**

The following are regulations governing the mooring and use of boats at the City Pier adopted under Ordinance No. 113, Code 8-04, an ordinance to provide for the control, maintenance and operation of the public parks of the City of Grosse Pointe Farms.

**Section 1. SEASON.** Each season shall begin on May 15th and end on November 1st.

**Section 2. PERMIT.** Permits shall be nontransferable and issued annually by the Director of Public Service upon written application by bonafide boat owners who are residents of the City upon the following conditions:

- (a) That the application for such permit contains the information required by ordinance, is made under oath, and is in form approved by the Director of Public Service.
- (b) That suitable space is available for the boat for which application is made.
- (c) That the application is made and the mooring fee paid within the time prescribed.
- (d) That only one mooring space shall be allowed for each residence.
- (e) A boat to be eligible for a mooring space must be registered with the State in the name of an individual owner. No boats will be assigned mooring space at the Pier Park dock which are registered in the name of a corporation or business.
- (f) In the instance a boat is owned by more than one person, all of the owners must be residents of the City of Grosse Pointe Farms in order for the boat to be eligible for mooring space at the City's Pier Park.
- (g) That renewal application is made on or before April 15th.
- (h) That requests for any change as to description of boat, etc., as shown in the original application for a boat mooring space be made either in writing or by personal appearance at the City Office.

(i) By July 1 of each year, all boats must have passed an inspection by the Coast Guard Auxiliary and must display the decal for the current year issued by the Coast Guard Auxiliary. Failure to comply with these regulations will result in the automatic revocation on July 1st of the permit for mooring space unless an extension of time in which to comply is obtained from the City Manager based on hardship.

**Section 3. MOORING SPACE ALLOCATION.** All applications for spaces shall be filed according to date received and assigned in such order except that the holder of a mooring permit for the immediate previous season shall have the privilege of renewal, provided, that the application is filed as required by the rules and regulations and mooring fee paid. The remaining vacant spaces, after permit holders for the immediate previous season have been accorded the right to renew, shall be allocated to applicants in the order of the filing date.

An applicant on the waiting list who has been notified that a mooring space is available, and who does not present affirmative evidence of his or her intention to avail of the space within ten (10) days, shall have his or her application cancelled; provided, however, if the applicant proves absence from the City during said ten (10) days his or her application will not be cancelled and the applicant shall retain his or her position at the top of the waiting list. In the event that such applicant should reapply, his or her new application shall be dated as of the date the new application is made.

In the case of an applicant on the waiting list who shall be called into military service, his or her position on the waiting list shall be maintained until such time as his or her military service terminates.

The Director of Public Service shall have the right to assign space in a manner which will provide the most efficient use of the facilities.

**Section 4. LOCKER-ALLOCATION.** Lockers shall be assigned in the order of filing date and only to mooring permit holders. All lockers must be emptied and left open at the close of the boating season, November 1st.

**Section 5. FEES - MOORING, HOIST AND LOCKER.** When an application has been approved and the mooring spaces allotted, the Director of Public Service shall notify the applicant thereof. The applicant shall thereafter, and prior to the time he or she shall make use of such space, pay to the City the mooring fee as hereafter provided, whereupon the Director of Public Service will issue a permit for the space allotted. The applicant shall also be furnished a metal tag on which shall be designated the mooring space number assigned and the year issued which he or she shall attach to the boat before it is moored.

The mooring fee for each season, shall be as follows:

(a) OLD (SMALL) HARBOR:

- (1) Boats having a length of 16'6" and under - \$30.00 per season
- (2) Boats in excess of 16'6" - \$3.00 per foot

(b) NEW (LARGE) HARBOR:

- (1) Well size: 31' x 15'                    \$175.00
- (2) Well size: 31' x 12'                    \$125.00
- (3) Well size: 26' x 12 1/2'                \$125.00
- (4) Well size: 26' x 10 1/2'                \$100.00

**Fees reduced** to one-half of above for space assigned August 1st or after.

The amount of the mooring fee shall be adjusted from time to time by resolution of the City Council.

Fee regulations for the use of the hoist or hoists at the City Park will be established from time to time by the City Council by resolution.

**Locker rental** is \$5.00 per season.

**Section 6. BOAT MOORINGS.** No boat shall be permitted to moor in any space other than the space assigned to it by permit, however, the City may change the space at the discretion of the supervising official.

Before actual use of the mooring facilities by the applicant is made, he or she shall prove ownership of the boat by presenting his or her State Registration Number.

No boat other than the boat described on the application and owned by the applicant shown thereon shall be permitted to moor.

The use of air conditioning equipment, cooking, sleeping or toilet facilities of any boat within the harbor is prohibited, and the use of such facilities within the harbor shall be sufficient

cause for the City to cancel the boat mooring permit under Section 13 of the Dock and Harbor Regulations.

When letters are sent to the boat owners advising them that their boat mooring permit is subject to renewal, a copy of the Regulations shall be enclosed with the letter, and the boat owners having boats with cooking, air conditioning, sleeping and toilet facilities, shall be notified that a copy of Section 6 of the Regulations must be posted on their boats.

The maximum overall length of any boat to be moored in the old (small) harbor shall not exceed 22'6" in length and subject also to such other regulations as may be deemed advisable in the opinion of the supervising official. However, owners having boats presently assigned mooring space and which boats exceed 22'6" but are not in excess of 26'6" in length shall be permitted to retain their present mooring space so long as they own the same boat.

The maximum overall length of any boat to be moored in the new (large) harbor shall not exceed 32'6" in length and subject also to such other regulations as may be deemed advisable in the opinion of the supervising official.

The minimum overall length of any boat to be moored in the new (large) harbor shall be 20'; provided, however, that in the instance the Director of Public Service shall determine that there will not be sufficient applications for boats of such size during any year, he or she may allow boats under 20' to be moored in the new (large) harbor, but only on a year to year basis.

It is intended that the wells sized 26' x 10 1/2' and 31' x 12' are to be used for sailboats. However, if the Director of Public Service shall determine that there are not sufficient applications by sailboat owners for these wells, he or she may allow other types of boats to use such wells, on a year to year basis.

Every boat must be provided with mooring lines in good condition according to the following minimum requirements, and subject to further approval of the Pier Attendant:

Rowboats or outboards and any boat up to 20 feet in length: bow and stern, 1/2 inch in diameter.

Open launches or sailboats: bow and stern, 5/8 inch in diameter.

The recommended maximum depth (draft) is 3 ft. in the old harbor and 5 ft. in the new harbor. However, the City does not guarantee the depth of either the harbor or the access thereto.

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**Section 7. BOATS--LAUNCHING AND REMOVAL.** All boats must be launched by the owner, or agent of the owner, and must be removed by the owner, or agent of the owner, on or before November 1st of each year. City employees are prohibited from assisting in this work during their regular working hours.

No boats shall be stored at the Pier or on adjacent City property after removal at close of season.

Boats may be launched or removed any day between the hours of 8:00 A.M. and 8:00 P.M. from May 15th through June 10th and after Labor Day until boat season closes. Between June 10th and Labor Day boats may be launched or removed only between the hours of 8:00 A.M. and 10:30 A.M., Monday through Saturday, except holidays (No Sunday or holiday launching between June 10th and Labor Day).

**Section 8. BOATS--USE OF.** No boat shall approach nearer than 150 feet to the easterly or outside edge of dock or pier, and shall not operate in excess of three miles per hour in and around the harbor within a distance of 150 feet therefrom.

Operators of boats shall use due care in approaching bathers and running near them in the area between the City pier and the Crescent Sail Yacht Club pier (Joy property) and between the shore line and a line projected between the outer edges of the foregoing piers,

All outboard motors shall be provided with a suitable muffler or exhaust silencer and the same shall be kept in efficient operating order.

No unmuffled exhausts shall be permitted and outboard motors or engines of any kind shall not be allowed to operate later than 11:00 P.M., and no unusual or unnecessary noises on the pier or docks shall be allowed.

No cleaning of bilge inside the harbor shall be allowed. No repairs or maintenance to boats or motor overhaul shall be made on the Pier Park property or waters.

**Section 9. LOCKER--USE.** Permit Holder shall,

- (a) Furnish own lock.
- (b) Vacate and leave the locker open at the end of the boat season.

**SHALL NOT:**

- (a) Keep any fuel or combustible material stored in the locker.
- (b) Alter, partition or attach shelving racks, etc., to the locker unless approval has been given by the attendant.

**Section 10. INSPECTION.** The Director of Public Safety or any member of the fire division of the Public Safety Department shall have authority to inspect all boats moored at the Pier or dock and the Public Safety Department may make reasonable rules and regulations concerning the establishment and maintenance of fire extinguishers and other equipment in, upon, or near all boats for the protection of the property of the City and other owners from loss or damage by fire.

**Section 11. LIABILITY.** The City, in permitting boats to moor in the harbor, shall not be charged with any responsibility for loss or damage by fire, theft, collision or any other cause. All boats shall be moored at the owner's risk.

The holder of a mooring permit shall be liable to the City and to all others lawfully using such facilities, for any loss, injury or damage resulting from the permit holder's negligence.

**Section 12. DISPLAY OF PERMIT.** The permit as issued by the Director of Public Service must be displayed upon request to any City officer, attendants or guards by the holders thereof to gain admission to or make use of the pier, dock or harbor.

**Section 13. CANCELLATION OF PERMIT.** The City expressly reserves the right to refuse, revoke or cancel any mooring permit for non-observance or violations of any of the provisions of Ordinance No. 113, Code 8-04, or any of the regulations adopted thereunder.

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Nonuse of mooring space by a permit holder prior to July 15th shall constitute cause for cancellation of such permit unless an extension is granted by the Director of Public Service on a request filed prior to the cancellation date.

Adopted: January 17, 1955

Amended May 2, 1966

Amended March 20, 1967

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_8-04.DOCK\_HARBOR\_REGS



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**CODE NO. 8-05 – PLUMBING CODE ORDINANCE**

**Ordinance No. 359**

**AN ORDINANCE TO ESTABLISH MINIMUM REGULATIONS GOVERNING THE DESIGN, INSTALLATION, CONSTRUCTION, ALTERATION, REPAIR, MAINTENANCE AND INSPECTION OF PLUMBING SYSTEMS IN THE CITY OF GROSSE POINTE FARMS; TO PROVIDE FOR INSPECTIONS, THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; AND TO REPEAL ORDINANCE NO. 321.**

The City of Grosse Pointe Farms ordains:

**Section 1. Adoption of Plumbing Code.** The plumbing code of the State of Michigan (hereinafter referred to as the "Code"), as promulgated under the authority of the state construction code and as amended from time to time, is hereby adopted as the Plumbing Code of the City of Grosse Pointe Farms, and is to be used in regulating the design, installation, construction, alteration, repair, maintenance and inspection of all plumbing systems in the City of Grosse Pointe Farms; and each and all of the regulations, provisions, conditions and terms of said Code are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance with the additions, insertions, deletions and changes prescribed in Section 3 of this Ordinance. As so modified, the City of Grosse Pointe Farms hereby assumes responsibility for the administration and enforcement of the Code within the boundaries of the City.

**Section 2. Purpose.** The purpose of this Ordinance is to secure the proper installation of systems for furnishing potable water, for sanitary sewage disposal and storm drainage; and to ensure public safety, health and welfare insofar as they are affected by the installation and maintenance of plumbing.

**Section 3. Additions, Insertions, Deletions and Changes.** The Code is hereby revised and modified in the following respects:

(a) The payment of certain fees and deposits shall be governed by the following provision:

Fees and Deposits: Before receiving a permit for any plumbing work or any amendment thereto, the owner (or the owner's duly authorized agent) shall pay such fees pursuant to a schedule established by the code official and approved by resolution of the City Council. In addition, before receiving a permit for any plumbing work or any amendment thereto, the owner (or the

owner's duly authorized agent) shall deposit with the City an amount determined by the code official (subject to direction by resolution of the City Council) to be adequate to protect the City against the cost of any expenses which the City may incur as a result of the work covered by the permit, including (but not by way of limitation) the cost of further permits, removal of debris, restoration of ground levels, use of unmetered water, repair of damaged sidewalks and other property and charges related to establishing and disconnecting water connections.

(b) Violations of the Code shall be governed by the following provision, and the penalties established below shall be in addition to any other penalties established in the Code:

Violations, Penalties: It shall be unlawful for any person to install, construct, alter, repair or maintain any plumbing system in violation of any provision of this code or in violation of an approved permit, construction document, certificate or directive of the code official, or to cause, permit or suffer any such violation to be committed. Any such person shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, for each provision of law thus violated. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day that the violation continues or is permitted to continue shall constitute a separate offense. Any person who shall continue any plumbing work in or about a structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

(c) The location of certain piping shall be governed by the following provision:

Freezing: Water service piping shall be installed below recorded frost penetration but not less than 5 feet 0 inches below grade. Plumbing piping in exterior building walls or areas subjected to freezing temperatures shall be protected against freezing by insulation or heat or both.

(d) Sewer depth shall be governed by the following provision:

Sewer Depth: Unless the code official otherwise directs, all sewers shall be a minimum of 42 inches below grade.

**Section 4. Other Ordinances.** In case of conflict between any provision of the Code (as adopted in this Ordinance) and the provisions of any other ordinance of the City of Grosse Pointe Farms, the most restrictive provisions shall control.

**Section 5. Repeal.** Ordinance No. 321 adopted November 8, 1993 entitled “AN ORDINANCE TO ESTABLISH MINIMUM REGULATIONS GOVERNING THE DESIGN, INSTALLATION, CONSTRUCTION, ALTERATION, REPAIR, MAINTENANCE AND INSPECTION OF PLUMBING SYSTEMS IN THE CITY OF GROSSE POINTE FARMS; TO PROVIDE FOR INSPECTIONS, THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; AND TO REPEAL ORDINANCE NO. 308,” is hereby repealed.

**Section 6. Severability.** If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 7. Effective Date.** This Ordinance shall take effect twenty (20) days after its enactment, or upon its publication, whichever is later.

Enacted: July 9, 2001

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 599713

**CITY OF GROSSE POINTE FARMS**

**WAYNE COUNTY, MICHIGAN**

**CODE NO. 8-06 -- WASTEWATER DISCHARGE CONTROL ORDINANCE**

**ORDINANCE NO. 375**

**AN ORDINANCE TO AMEND ORDINANCE NO. 314, ENTITLED "AN ORDINANCE TO REGULATE THE DISCHARGE OF POLLUTANTS INTO THE WASTEWATER COLLECTION SYSTEM BY CERTAIN INDUSTRIAL USERS, TO PROVIDE FOR ENFORCEMENT THEREOF IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE STATUTES AND REGULATIONS, AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION THEREOF," TO INCORPORATE THEREIN AMENDMENTS TO THE CODE OF FEDERAL REGULATIONS REGARDING THE DISCHARGE OF WASTEWATER INTO WASTEWATER COLLECTION AND TREATMENT SYSTEMS, TO STREAMLINE NECESSARY PROCEDURES FOR COMPLIANCE WITH SUCH FEDERAL AMENDMENTS AND FOR IMPROVEMENT OF THE EFFICIENCY, OPERATION AND IMPLEMENTATION OF THE CITY OF DETROIT WATER AND SEWERAGE DEPARTMENT'S INDUSTRIAL PRETREATMENT PROGRAM, TO ESTABLISH NEW REGULATORY REQUIREMENTS FOR CENTRALIZED WASTE TREATMENT FACILITY DISCHARGERS AND FOR GROUNDWATER DISCHARGERS, TO PLACE NEW RESPONSIBILITY UPON INDUSTRIAL USERS FOR CONDUCTING SELF-MONITORING AND WASTE MINIMIZATION ACTIVITIES, AND TO MODIFY THE APPEAL AND RECONSIDERATION PROCESS AVAILABLE TO INDUSTRIAL USERS FOR REDRESS OF ADMINISTRATIVE ACTIONS BY THE CITY OF DETROIT WATER AND SEWERAGE DEPARTMENT AND THE CITY OF GROSSE POINTE FARMS, AND TO REPEAL ORDINANCE NO 342.**

The City of Grosse Pointe Farms ordains:

**Section 1. Purpose.**

(a) The purpose of this Ordinance is the protection of the environment, and of public health and safety, by abating and preventing pollution through the regulation and control of the quantity and quality of wastes admitted to or discharged into the wastewater collection and treatment system under the jurisdiction of the City of Grosse Pointe Farms (the "City") and enabling the City to

comply with all applicable state and federal laws required by the Federal Water Pollution Control Act, being 33 U.S.C. § 1251, et seq., and the General Pretreatment Regulations, being 40 C.F.R. part 403.

(b) The objectives of this Ordinance are:

(1) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge, or will pose a hazard to the health or welfare of the people or of employees of the City or the City of Detroit Water and Sewerage Department;

(2) To prevent the introduction of pollutants into the wastewater system which will pass inadequately treated through the system into receiving waters, the atmosphere or the environment, or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle or reclaim wastewater or sludge from the system in an economical and advantageous manner; and

(4) To provide for the recovery of costs from users of the wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the system.

(c) This Ordinance provides for the regulation of contributors to the City of Detroit and City of Grosse Pointe Farms wastewater collection and treatment system through the issuance of wastewater discharge permits to certain users and through the enforcement of general requirements for all users, authorizes monitoring and enforcement, and authorizes fees and penalties.

## **Section 2. Authority and Background.**

(a) By virtue of the obligations and authority placed upon the City by the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, being 33 U.S.C. § 1251 et seq.; the 1963 Constitution of the State of Michigan; Public Act 245 of 1929, as amended, being M.C.L. 323.1 et seq.; M.S.A. 3.521 et seq.; the Charter of the City of Grosse Pointe Farms; the National Pollutant Discharge Elimination System (NPDES) permit for the City of Detroit Publicly Owned Treatment Works (POTW); the Consent Judgment in U.S. EPA v. City of Detroit et al.,

United States District Court for the Eastern District of Michigan Case No.77-1100, as amended; and existing or future contracts between the Board of Water Commissioners and suburban communities or other governmental or private entities; or by virtue of common law usage of the system, this Ordinance shall apply to every applicable user contributing or causing to be contributed, or discharging, pollutants or wastewater into the wastewater collection and treatment system of the City of Detroit POTW.

(b) Pursuant to the foregoing authority, the City of Grosse Pointe Farms has delegated to the City of Detroit, through its Water and Sewerage Department, the administration and enforcement of applicable regulations governing the discharge of pollutants or wastewater into the wastewater collection and treatment system of the City of Detroit POTW. Ordinance No. 314, Code No. 8-06, originally enacted on September 14, 1992, adopted such regulations. Ordinance No. 314 was amended by Ordinance No. 342. In order to conform to amendments to the Code of Federal Regulations and other amendments governing the collection and treatment system of the City of Detroit POTW, Ordinance No. 314, Code No. 8-06, is hereby amended and restated in its entirety by this Ordinance.

### **Section 3. Delegation of Authority.**

The City of Detroit, through the Detroit Water and Sewerage Department, as the State of Michigan approved Control Authority, is authorized to administer and enforce the provisions of this Ordinance on behalf of the City of Grosse Pointe Farms. The City of Grosse Pointe Farms hereby ratifies its delegation agreement with the City of Detroit through the Detroit Water and Sewerage Department, which sets forth the terms and conditions of such delegated authority, consistent with this Ordinance, and shall allow the Detroit Water and Sewerage Department to perform the specific responsibilities of Control Authority pursuant to applicable State and Federal law.

### **Section 4. Incorporation of Wastewater Discharge Control Regulations.**

The Wastewater Discharge Control Regulations annexed hereto as Addendum A, which are based upon the model regulations promulgated by the City of Detroit Water and Sewerage Department under the authority identified in Section 2 of this Ordinance, are hereby adopted and regulations of the City of Grosse Pointe Farms and shall be considered a part of this Ordinance as if fully set forth herein.

**Section 5. Repeal of Ordinance No. 342.**

City of Grosse Pointe Farms Ordinance No. 342 is hereby repealed.

**Section 6. Severability.**

If any portion of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 7. Effective Date.**

This Ordinance shall take effect twenty (20) days after its enactment, or upon its publication, whichever is later.

Enacted: January 8, 2007  
Technical Amendments, July 9, 2018, Ord. No. 392

CITY OF GROSSE POINTE FARMS  
WAYNE COUNTY, MICHIGAN

Ordinance No. 368

CODE NO. 8-07

CROSS CONNECTION ORDINANCE

AN ORDINANCE TO PROTECT PUBLIC WATER QUALITY BY  
REGULATING CROSS CONNECTIONS WITH THE PUBLIC WATER  
SUPPLY SYSTEM

The City of Grosse Pointe Farms ordains:

**Section 1: Cross Connections.** (a) The City of Grosse Pointe Farms adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality, being sections R325.11041 to R325.11407 of the Michigan Administrative Code.

(b) It shall be the duty of the Water Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspections based on potential health hazards shall be as established by the City of Grosse Pointe Farms and as approved by the Michigan Department of Environmental Quality.

(c) The Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the City of Grosse Pointe Farms for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees or occupants of any property having such a connection shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal to provide such information or refusal to provide access, when requested, shall be deemed evidence of the presence of a cross connection.

(d) The City of Grosse Pointe Farms is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of



contamination of the public water supply system. Water service to such property shall not be restored until the applicable cross connections have been eliminated in compliance with the provisions of this Ordinance.

(e) All testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted at a time interval specified by the Water Department and in accordance with Michigan Department of Environmental Quality requirements. Only individuals approved by the Water Department shall be qualified to perform such testing.

(f) The potable water supply made available to the properties served by the public water supply system shall be protected from possible contamination as specified by this Ordinance and by the state and the City of Grosse Pointe Farms plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE FOR DRINKING

(g) There shall be a fee for an initial cross connection inspection, for any subsequent reinspections, and for any backflow device test report review conducted by the Water Department or its representative to check for the presence of cross connections. No cross connection inspection fees shall be charged for the inspection or reinspection of single-family residential premises that would be in addition to any fees or costs charged in connection with permits and/or inspections for single-family residential premises in connection with changes to plumbing, sale of the property, restoration of water service or installation of a water meter. The fees provided for in this section shall be in amounts set forth in resolutions that are adopted from time to time by the City Council.

WATER UNSAFE FOR DRINKING

(h) This Ordinance does not supersede the state plumbing code, but is supplementary to it.

(i) Any person or customer who violates any of the provisions of this Ordinance or any written order of the Water Department, in pursuance thereof, shall be deemed responsible for a civil infraction, and upon a finding of responsibility shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) for

each violation. Each day upon which a violation of the provisions of this Ordinance shall occur or remain shall be deemed a separate and additional violation of this Ordinance.

**Section 2: Severability.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance will not be affected thereby.

**Section 3: Effective Date.** This Ordinance is declared necessary to protect public health and welfare and shall take immediate effect.

Enacted: July 7, 2003

Technical Amendments, July 9, 2018, Ord. No. 392

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**CODE NO. 9-03 -- PUBLIC HEALTH ORDINANCE**

**Ordinance No. 182**

**AN ORDINANCE TO PROVIDE FOR THE INSPECTION OF PREMISES BY THE PUBLIC SERVICE DEPARTMENT AND TO SAFEGUARD PUBLIC AND PRIVATE PROPERTY AGAINST UNSANITARY CONDITIONS TENDING TO CREATE HAZARDS TO THE HEALTH OF THE COMMUNITY.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** It shall be the duty of the Public Service Department, under supervision of its Director, to inspect or cause to be inspected by the Department as often as may be necessary, but not less than once each year, all buildings and premises in the City except the interior of private dwellings, and to inspect the interior of private dwellings when the Director has reason to believe that conditions exist therein which are liable to endanger the health of the occupants, the public in general or any violation of the provisions or intent of any ordinance of the City affecting public health.

**Section 2.** The conditions set forth in Section 3 of this Ordinance are deemed to endanger the public health and safety and the existence of any such conditions shall be deemed to be violations of this Ordinance by the owner and occupant of the premises upon which such violations exist.

**Section 3.** The following are sources of filth and causes of sickness and shall not be permitted within the City:

- (a) The failure to maintain a dwelling or lands in a clean and sanitary condition. Prima facie evidence of a violation of this subsection shall be:
  - (1) the emission of foul or unpleasant odors from a structure or lands;
  - (2) the presence of human or animal excretion or garbage within a structure or on surrounding lands;
  - (3) the presence of rubbish in a structure or on surrounding lands other than in suitable waste containers;
  - (4) the presence of insect vermin or rodent infestation in a structure or on surrounding lands.

- (b) The harboring of any animal prohibited by Ordinance No. 198, as amended from time to time.

**Section 4.** The Director or his or her representative shall request permission to inspect the interior of private dwellings except in an emergency. During an emergency, the Director, or his or her representative, shall have the right to enter at any time. In non-emergency situations where the owner or occupant of a private dwelling demands a warrant for the inspection of the premises, the Director shall obtain a warrant from a court of competent jurisdiction. Such warrant shall comply with the provisions of the State of Michigan's Housing Law (Act 167 of the Public Acts of Michigan of 1917, as amended, hereinafter referred to as the "Act") which Act has heretofore been adopted by the Council of the City of Grosse Pointe Farms.

**Section 5.** If upon inspection, the premises, the building thereon, or any part thereof are found to be in violation of this Ordinance, the owner (as indicated on the City's latest tax assessment roll) and the occupant shall be notified in writing of the existence of the violation. The notice shall state the date of the inspection, the nature of the violation, and the time in which the correction shall be completed. The Public Service Department shall reinspect after a reasonable time for the purpose of ascertaining whether the violations have been corrected.

**Section 6.** If the owner or occupant fails to comply with the order contained in the notice of violation, the Director shall bring an action in a court of competent jurisdiction to enforce the provisions of this Ordinance and to abate or enjoin the violation. All of the relief provided for in the Act shall be available to the Director for the enforcement of this Ordinance together with all other remedies available as provided by law.

**Section 7.** If the Director shall determine that the building on the premises is a "dangerous building" as deemed in Section 139 of the Act, the Director shall initiate the procedures set forth in Sections 139 through 142 of the Act.

**Section 8.** Any person violating any provision of this Ordinance shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

**Section 9.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 10.** This ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: November 1, 1971

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 4439-1 1449098v1

**CODE NO. 10-01 -- SOLICITING AND PEDDLING ORDINANCE**

**Ordinance No. 106**

**AN ORDINANCE TO PROHIBIT CERTAIN SOLICITING AND PEDDLING IN THE CITY OF GROSSE POINTE FARMS, AND TO REPEAL ORDINANCES NOS. 5, 53 AND 92.**

The City of Grosse Pointe Farms ordains:

**Section 1.** No person shall sell or solicit orders for the engagement of services of any kind or make requests for employment or sell or solicit orders for the sale of goods, wares or merchandise, or securities, or insurance, or sell or attempt to sell newspapers, magazines, or periodicals, or subscriptions therefor, by door-to-door canvassing, or otherwise entering upon any private residence or business property in the City of Grosse Pointe Farms, without the specific request or invitation of the owner of said property; nor shall any person make any such sales, solicitations or attempts to sell on the streets or other public places of the City, except by specific authority of the City Council; subject, however, in each case to the exceptions of Section 3 of this ordinance.

**Section 2.** No person shall purchase or offer to purchase goods, wares or merchandise, junk, metals, bottles, rags, or papers or similar matter by door-to-door canvassing, or otherwise entering upon any private residence or business property in the City of Grosse Pointe Farms, without the specific request or invitation of the owner of said property; nor shall any person make such purchases or offers to purchase on the streets or other public places of the City, except by specific authority of the City Council.

**Section 3.** The provisions of this ordinance shall not apply to the sale or solicitation of orders for the sale of milk or dairy products, or ice cream, or baked goods, or poultry, eggs, vegetables, fruits, or other farm or garden produce, so far as the sale of such commodities is now or may be authorized by law.

**Section 4.** Any person violating any provision of this ordinance shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court.

**Section 5.** The following ordinances are hereby repealed: Ordinance No. 5 Adopted September 4, 1907, Entitled "An Ordinance To Regulate And License The Business Of Hawkers Or

Peddlers Within The Village Of Grosse Pointe Farms, Michigan"; Ordinance No. 53, Adopted February 6, 1939, Entitled "An Ordinance To Regulate The Soliciting, Or Taking Of Subscriptions For Newspapers, Magazines And Periodicals Within The Village of Grosse Pointe Farms"; Ordinance No. 92, Adopted July 23, 1951, Entitled "An Ordinance To Regulate Solicitors, Peddlers, Hawkers, Itinerant Merchants Or Transient Vendors Of Merchandise In the City Of Grosse Pointe Farms, Michigan Declaring It To Be A Nuisance For Those Engaging In Such Pursuits To Go In Or Upon Private Residences Without Having Been Requested Or Invited To Do So, Providing Penalties For The Violation Hereof, Repealing All Ordinances In Conflict Herewith".

**Section 6.** If any provision of this ordinance shall be held invalid, the remainder of the ordinance will not be affected.

**Section 7.** This ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: December 21, 1953

Section 1 Amended January 11, 1994, Ord. No. 326  
Technical Amendments, July 9, 2018, Ord. No. 392

**CODE NO. 10-02 -- CHARITABLE SOLICITATIONS AND EVENTS ORDINANCE**

**Ordinance No. 244**

**AN ORDINANCE TO LICENSE AND REGULATE CHARITABLE SOLICITATIONS AND EVENTS IN THE CITY OF GROSSE POINTE FARMS, MICHIGAN; AND TO REPEAL ORDINANCE NUMBERED 173 AND 220.**

The City of Grosse Pointe Farms ordains:

**Section 1.** In the interpretation of this Ordinance, the following definitions shall apply:

(a) The words "solicit" and "solicitation" shall mean any oral or written request, directly or indirectly, for money, credit, property, financial assistance or other thing of value for, in whole or in part, "charitable" purposes, by house-to-house canvass or the use of public streets and ways, by means of personal interview, handbills, pamphlets, books, circulars, tickets, or by any other means.

(b) The word "charitable" shall mean patriotic, religious, civic, benevolent, educational, humane, or eleemosynary.

(c) The word "person" shall mean any individual, firm, co-partnership, limited partnership, corporation, professional corporation, company, limited liability company, limited liability partnership, professional limited liability company, professional limited liability partnership, association or joint stock association, joint venture, estate, trust, church, religious sect or denomination, society, organization, league, guild, club and includes any trustee, receiver, assignee, agent or other representative thereof, and any other legal entity, and any other group or combination acting as a unit, and the individuals constituting such group or unit

(d) The words "City Manager" shall mean and include the City Manager of Grosse Pointe Farms or anyone authorized by him or her to perform the duties required by this Ordinance.

**Section 2.** No person shall solicit house-to-house or upon the public streets or ways for any charitable purpose whatsoever within the City of Grosse Pointe Farms unless the charitable organization for which the solicitation is made has obtained a permit issued by the City Manager; provided, however, that the provisions of the Ordinance shall not apply to any persons organized exclusively for religious purposes if the solicitation by such persons are conducted solely among their members voluntarily.



**Section 3.** Applications for permits under this Ordinance shall be filed with the City Manager, upon forms provided by the City of Grosse Pointe Farms, at least thirty (30) days prior to the commencement of the proposed solicitation.

**Section 4.** Said application shall contain the following information or in lieu thereof, a detailed statement of the reasons why such information cannot be furnished:

- (a) The name of the organization and the name under which it intends to solicit contributions;
- (b) The name and addresses of the organization's principal officers and executives;
- (c) The purposes of the organization and the purpose for which the solicitation is to be made, the estimated total amount of funds proposed to be raised thereby, and the use or disposition of such funds;
- (d) The names and addresses of all persons who will be conducting the solicitation;
- (e) All methods to be used in conducting the solicitation;
- (f) The times (daylight hours only) and dates when the solicitation is to be made;
- (g) A statement as to whether the organization is or has ever been enjoined from soliciting;
- (h) A full statement of the character and extent of charitable work being done by the organization within the City of Grosse Pointe Farms;
- (i) The geographical area in which the solicitation is to be made.

**Section 5.** The applicant shall also submit proof that the organization for which the solicitation is made has complied with applicable charitable solicitation statutes and regulations of the State of Michigan and has received a declaration of current tax exempt status from the United States.

**Section 6.** Upon receipt of an application for a permit, the City Manager shall issue the permit provided for in Section 2 if the application is complete, supported by the required information, and does not contain misrepresentations.

**Section 7.** Persons soliciting on behalf of the charitable organization shall carry a copy of the permit or an identification card issued by the organization and shall display such permit and/or identification card to any public safety officer of the City of Grosse Pointe Farms upon request.

**Section 8.** No person shall hold a public showing, meeting or other type of event for the purpose of raising monies for charitable purposes on property located in the residential zoning districts in the City of Grosse Pointe Farms without obtaining a permit therefor issued by the City Manager. The application for such permit shall contain the information described in Sections 4 and 5 above. The City Manager shall issue the permit if the application is complete, supported by the required information and does not contain misrepresentations. If the fund raising event will last longer than three (3) days, the application must also be approved by the City Council. In approving an application, the City Council must find as follows:

(a) That the event is to be held on property of sufficient size to properly serve such event, and have adequate parking spaces available.

(b) That there is sufficient distance between the residence where the event will take place and the neighboring residences so that such event will not constitute a nuisance in the neighborhood.

(c) That the hours of operation of such event shall not create a nuisance in the City.

**Section 9.** No person shall make any solicitation upon any premises within the City of Grosse Pointe Farms upon which a sign has been posted in a conspicuous place, near the entrance of the home, stating that solicitors and/or peddlers are not welcome or invited.

**Section 10.** A license issued to a charitable organization, its agents and representatives may be suspended or revoked by the City Council, after notice to the organization and a public hearing, for a violation of this Ordinance.

**Section 11.** Any person, persons, firm or other entity violating any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to not more than ninety (90) days in jail and/or pay a fine of not exceeding Five Hundred Dollars (\$500.00), or both in the discretion of the court..

**Section 12.** Ordinance No. 173, enacted August 4, 1969 as amended by Ordinance No. 220 on December 5, 1977, entitled "An Ordinance to License and Regulate Charitable Solicitations and Events in the City of Grosse Pointe Farms, Michigan" is hereby repealed.

**Section 13.** This Ordinance shall take effect twenty (20) days after its enactment or upon the publication, whichever is later.

Enacted: June 2, 1980

Technical Amendments, July 9, 2018, Ord. No. 392

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**CODE NO. 10-03 -- CABLE TELEVISION RATE REGULATION ORDINANCE**

**ORDINANCE NO. 325**

**AN ORDINANCE ADOPTING CABLE TELEVISION RATE REGULATIONS CONSISTENT WITH REGULATIONS ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION PURSUANT TO 47 USC §543(b).**

The City of Grosse Pointe Farms Ordains:

**Section 1.** The City of Grosse Pointe Farms adopts by reference rules of the Federal Communications Commission set forth in Subpart N (Cable Rate Regulation) of Part 76 (Cable Television Service) of Chapter I of Title 47 of the Code of Federal Regulations regarding the regulation of cable television rates for basic service and associated equipment, as amended.

**Section 2.** After a cable operator has submitted for review its existing rates for the basic service tier and associated equipment costs or a proposed increase in these rates, the city clerk shall publish a public notice of the rates and costs giving interested parties, including the cable operator, a reasonable opportunity to file written comments which shall be available in the office of the city clerk for public inspection and copying during normal business hours.

**Section 3.** The City of Grosse Pointe Farms adopts by reference procedures set forth in 47 CFR §0.459 regarding confidential business information submitted by a cable operator in a rate regulation proceeding.

**Section 4.** A cable operator which willfully or repeatedly fails to comply with a rate decision or refund order directed specifically at the cable operator shall be subject to a monetary forfeiture not to exceed \$25,000 for each violation or each day of a continuing violation (not to exceed \$250,000 in the aggregate for any single act or failure to act) as determined by the City Council following the procedures set forth in 47 USC §§503(b)(2)(D), (3)(A) and (B), (4)(A), (B) and (C), which the City of Grosse Pointe Farms adopts by reference.

**Section 5.** A copy of the rules and procedures adopted by reference in this ordinance are available in the Office of the City Clerk for public inspection and copying during normal business hours.

**Section 6.** In the event of a conflict between this Ordinance and a cable television franchise, the provisions of this Ordinance shall prevail.

**Section 7.** This Ordinance shall take effect twenty (20) days after the date of its enactment, or upon publication, whichever occurs later.

Enacted: December 13, 1993  
Technical Amendments, July 9, 2018, Ord. No. 392

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**CODE NO. 10-04 -- BUSINESS LICENSE ORDINANCE**

**Ordinance No. 240**

**AN ORDINANCE TO LICENSE BUSINESS WITHIN THE CITY.**

The City of Grosse Pointe Farms ordains:

**Section 1. Licenses Required.** No person, co-partnership, limited partnership, corporation, professional corporation, association, limited liability company, limited liability partnership, professional limited liability company, professional limited liability partnership, joint venture, or any other legal entity shall engage, or be engaged, in the operation, conduct or carrying on of any trade, profession or business within the City of Grosse Pointe Farms without first obtaining a license from the City in the manner provided for in this Ordinance.

**Section 2. State Licensed Businesses.** The fact that a license or permit has been granted to any person or any business entity described in Section 1 by the State of Michigan to engage in the operation, conduct or carrying on of any trade, profession or business shall not exempt such person or business entity from the necessity of securing a license or permit from the City if such license or permit is required by this Ordinance.

**Section 3. License Application.** Every person or business entity required to obtain a license from the City to engage in the operation, conduct or carrying on of any trade, profession or business shall make application for said license to the Director of Public Service upon forms provided by the Director of Public Service and shall state under oath or affirmation such facts, as may be required for, or applicable to, the granting of such license. The information to be supplied on such application shall include, but not be limited to, the name and address of the applicant, the status of the proposed business entity, the address of the business premises, the name and address of the owner of such premises, the type of business, the floor plan and size of the premises (including specifically the size of storage and other non-business use areas) and the number of parking spaces on the property.

**Section 4. Conditions for Issuance.** No license shall be granted to any applicant therefor until such applicant has complied with all the provisions of this Ordinance applicable to the trade, profession or business for which application for license is made.

**Section 5. Public Safety (Fire) Certificate.** A certification from the City's Fire Division of the Public Safety Department shall be required prior to the issuance of any license by the

Director of Public Service. Such certification shall be based upon an actual inspection and a finding that the premises in which the person or business entity making application for such license proposes to conduct or is conducting the trade, profession or business comply with all the fire regulations of the State of Michigan and of the City.

**Section 6. Public Safety (Police) Certificate.** A certification from the City's Director of Public Safety shall be required prior to the issuance of any license by the Director of Public Service. An application for a Public Safety Certificate shall be filed with the Director of Public Safety and shall contain the following information: (a) name, address and date of birth of applicant; (b) if the applicant is not an individual, the names, addresses and dates of birth of the applicant's majority owners, principal officers and executives; (c) a list of any and all arrests, convictions, and dates thereof. The Director of Public Safety may refuse to issue a certificate and may recommend to the City Council the revocation of a certificate previously issued upon proof submitted to the Director of Public Safety of the violation by the applicant or licensee, or any agent or employee, within the preceding two (2) years, of any federal criminal code, state statute or city ordinance which evidences a disregard for the safety or welfare of either the employees, patrons or persons residing or doing business nearby.

**Section 7. Building Official's Certificate.** In all cases where the carrying on of the trade, profession or business involves the use of any structure or land, a license therefor shall not be issued until the Building Official shall certify that the proposed use is not in violation of or prohibited by the Ordinances of the City.

**Section 8. Term of License.** Each license issued by the City shall remain in full force and effect for as long as the person or business entity to which it is issued shall continue to properly operate such business on the same premises. Such license shall not be transferable, but shall terminate at the time such person or business entity ceases to operate, control or own such business at such premises.

**Section 9. Fees.** The fees to be paid at the time of issuance of such license shall be determined by resolution of the City Council. The fee required by this Ordinance for any license or permit shall be paid at the office of the City Treasurer upon or before the granting of said license or permit.

**Section 10. Right to Issuance.** If the application for any license is approved by the proper officers of the City, as provided in this Ordinance, said license shall be granted and shall serve as a receipt for payment of the fee prescribed for such license.

If the application for any license is denied, the applicant has a right to a hearing before the City Council, provided written request therefor is filed with the City Clerk within five (5) business days after denial of the license. The City Manager or the City Clerk will set a date for a hearing before the City Council and notice by first class mail shall be given by the applicant no less than ten (10) days prior to hearing to all owners of real property located within two hundred (200) feet of the business premises for which the license is sought. The City Council may confirm the denial or grant the application for the license. The action taken by the City Council shall be final.

**Section 11. Revocation.** Any license issued by the City may be revoked for cause by the City Council, after a hearing before the Council. The City Manager or Clerk will set a date for the hearing before the City Council. At the hearing, the licensee shall receive a reasonable definite statement of the charges against him or her and the licensee may cross-examine witnesses who testify against the licensee and may produce witnesses on his or her own behalf. The licensee shall receive notice of time and place of hearing at least ten (10) days prior to the hearing date. Notice by first class mail shall be given by the licensee no less than ten (10) days prior to hearing to all owners of real property located within two hundred (200) feet of the licensed premises. The action taken by the City Council shall be final. Upon revocation of any license, the fee therefor shall not be refunded. Except as otherwise specifically provided in this Ordinance, any licensee whose license has been revoked shall not be eligible to apply for a new license for the trade, profession or business for a period of one (1) year or such shorter period of time as determined by the City Council, after such revocation.

**Section 12. "Cause" Defined.** The term "cause", as used in this Ordinance, shall include the making of fraudulent or false statements in the application and/or the doing or omitting of any act, or permitting and condition to exist in connection with any trade, profession or business for which a license is granted under the provisions of this Ordinance, or upon any premises or facilities used in connection therewith, which act, omission or condition is:

- (1) Contrary to the health, morals, safety or welfare of the public, or;
- (2) Unlawful, irregular or fraudulent in nature, or;
- (3) Unauthorized or beyond the scope of the license or permit granted, or;
- (4) Forbidden by the provisions of this Ordinance or any duly established rule or regulation of the City applicable to the trade, profession or business for which the license has been granted.

**Section 13. Exhibition of License.** The license shall be exhibited at all times in some conspicuous place in the licensee's place of business. Every licensee shall produce such license for examination when applying for a renewal thereof or when requested to do so by any City public



safety officer or by any person representing the issuing authority. No person shall display any expired license or any license for which a duplicate has been issued.

**Section 14. Existing Business.** Any person or business entity lawfully engaged in the operation of any trade, business or association within the City of Grosse Pointe Farms prior to the date on which this Ordinance becomes effective, and registered with the Department of Public Service on or before July 1, 1980, may continue to operate such business, trade or association without obtaining a license as required by this Ordinance.

**Section 15. Penalty.** Any person or business entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) for each offense, or by imprisonment in the City or County Jail for not more than ninety (90) days for each offense, or may be both fined and imprisoned at the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.

**Section 16.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted January 21, 1980

Technical Amendments, July 9, 2018, Ord. No. 392

**CODE NO. 10-04 -- REGULATION OF PRECIOUS METALS**

**Ordinance No. 251**

**AN ORDINANCE TO REGULATE THE BUSINESS OF BUYING AND RECEIVING GOLD, SILVER, PLATINUM, GEMS, JEWELRY AND OTHER PRECIOUS ITEMS.**

The City of Grosse Pointe Farms ordains:

**Section 1. Certificate for Precious Metals and Gem Dealers.** A dealer, as defined by Act No. 95 of the Public Acts of 1981, as amended, shall not conduct business within the City of Grosse Pointe Farms until such dealer has obtained a certificate of registration from the Director of Public Safety of the City of Grosse Pointe Farms in accordance with the requirements of Act No. 95 of the Public Acts of 1981, as amended.

**Section 2. Certificate.** The term of the certificate and the fee to be paid at the time of issuance of such certificate shall be determined by resolution of the City Council. The fee required by this Ordinance shall be paid at the office of the City Treasurer upon or before the granting of said license.

**Section 3.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted February 8, 1982

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_10-04.Precious Items

**CODE NO. 10-05 –VALET PARKING**

**ORDINANCE NO. 299**

**AN ORDINANCE TO LICENSE AND REGULATE VALET PARKING SERVICES AND VALET PARKING ATTENDANTS**

The City of Grosse Pointe Farms Ordains:

**Section 1. Definitions.** For the purpose of the provisions of this Ordinance, the following words and phrases shall be construed to have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended:

- (1) Badge - Emblem or device identifying an individual as being an employee of a Valet Parking Service.
- (2) Department - The Grosse Pointe Farms Public Safety Department.
- (3) Director - The Director of the Department.
- (4) Park, Parked or Parking - The halting of a motor vehicle, whether or not occupied, when not loading or unloading passengers.
- (5) Pickup and Drop Off Point - A designated location where a Valet Parking Attendant shall take possession of a motor vehicle for the purpose of driving said motor vehicle to an area to be parked and to which said vehicle shall be returned to the owner or driver thereof.
- (6) Standing – The halting of a motor vehicle other than for the purpose of, and while actually, loading or unloading passengers.
- (7) Valet Parking Attendant - An employee of a Valet Parking Service who operates, drives and parks motor vehicles in the course of his or her employment.
- (8) Valet Parking Service - A company, corporation, limited liability company, partnership, limited partnership, limited liability partnership, or other legal entity or person who provides motor vehicle pickup and drop off services on a regular or

recurrent basis for any non-residential business, institution or enterprise for the purpose of Parking said vehicles and receives payment therefor.

**Section 2. License Required.** No person, either as owner, agent, or otherwise, shall operate, conduct, maintain, advertise, or otherwise be engaged in, a Valet Parking Service upon the streets, alleys, or other public ways or places within the City unless the owner holds a currently valid license for a Valet Parking Service pursuant to this Ordinance.

**Section 3. Resolution of Necessity.** No license for the operation of a Valet Parking Service shall be granted unless the City Council passes a resolution certifying that public necessity and convenience require the operation of such a service or services. However, the City Clerk may renew a license which has automatically expired on January 31 of any year in accordance with Section 9 without such a resolution being passed.

**Section 4. Hearing of Necessity.** Before adopting the resolution described in Section 3, the City Council shall hold a public hearing and shall give notice thereof as provided in Section 5.

**Section 5. Notice.** Notice of a public hearing given under this Ordinance shall be in a form approved by the City Council and shall include the time and place where the City Council shall meet to consider the necessity of such Valet Parking Service. Such notice shall be published one time prior to the public hearing in a newspaper in general circulation in the City at least ten (10) days prior to the hearing. Such notice shall be mailed by the City Clerk to any person requesting or holding a valid Valet Parking Service license at least ten (10) days prior to the hearing.

**Section 6. Finding of Necessity.** At the time and place appointed for the public hearing, the City Council shall receive any reports requested from the Department and shall hear and consider public comments. Such hearing may be adjourned or continued from time to time. In deciding whether the public convenience or necessity will be served by the issuance of a Valet Parking Service license, the City Council shall consider the following:

- (1) The number of Valet Parking Services in operation within the City;
- (2) The proposed location of the Pickup and Drop Off Point;
- (3) The traffic patterns in the area;

- (4) The availability of suitable locations for on-street or off-street Parking in the area;
- (5) The proposed parking area for motor vehicles Parked by the Valet Parking Service; and
- (6) Such other considerations as the City Council may from time to time establish.

**Section 7. Issuance of Resolution.** Upon finding that public convenience and necessity shall be served by the issuance of a Valet Parking Service license, the City Council shall authorize the City Clerk to issue said license upon completion by the applicant of the conditions set forth in this Ordinance.

**Section 8. Valet Parking Service Licensing and Regulations.**

- (1) Application; renewal.
  - (a) Application for Valet Parking Service licenses hereunder shall be made upon such forms prescribed by the City, with the accompanying license fee as prescribed from time to time by the City.
  - (b) All Valet Parking Service licenses expire at midnight on January 31 of each year.
- (2) Valet Parking Service Requirements. The Valet Parking Service shall:
  - (a) Provide sufficient personnel to promptly handle all requests for Parking and to prevent motor vehicle congestion at Pickup and Drop off Point.
  - (b) Provide insurance in at least the following minimum amounts with the City named as an additional insured on all insurance policies:
    - (i) Public Liability: \$1,000,000/occurrence, \$1,000,000/aggregate;
    - (ii) Property Damage: \$1,000,000/occurrence, \$1,000,000/aggregate;
    - (iii) Comprehensive General Liability: \$1,000,000/incident.

The Licensee shall provide general liability coverage on "Comprehensive General Liability" forms and shall provide the following coverage for premiums: (1) Liability, (2) Personal Injury Liability, and (3) Products Liability. Insurance Certificates evidencing all such insurances shall be deposited with the City. Each of the insurance contracts described in the certificates shall contain a clause requiring thirty (30)-days' notice of cancellation prior to the cancellation or lapse of any insurance coverage.

- (3) Valet Parking Attendant Requirements. Each Valet Parking Attendant shall:
  - (a) Be subject to all state and city traffic laws applicable to motor vehicles.
  - (b) Not operate during those days and times of day nor operate upon those streets, public places, and quasi-public places within the City as are prohibited by regulations promulgated by the Director.
  - (c) Possess and present upon request a Badge with a photograph of the Attendant and the number of the Valet Parking Service's license, which Badge is to be issued by the Valet Parking Service.

**Section 9. Renewal of License.** Annual renewal of any license hereunder shall require conformance with all of the requirements of this Ordinance. Application of renewal for licenses authorized hereunder may be made thirty (30) days before the expiration date.

**Section 10. Shelter.** No Valet Parking Service or Attendant shall erect or maintain chairs, benches, seats or any form of shelter in any public right of way for the use of Attendants or patrons of the service.

**Section 11. Key Boxes.** No Valet Parking Service or Attendant shall erect or maintain a key box or other device for the storage of keys to motor vehicles on or attached to City property or within any public right of way.

**Section 12. Parking Areas.** All vehicles parked by a Valet Parking Attendant shall be legally Parked in conformance with City ordinances and only in such locations as are approved by the Director. No Attendant shall Park a vehicle in a metered parking area, unless approved by the Director, a standing zone or a residential street.

**Section 13. Signs.** Subject to the limitations of Ordinance 193, as amended (Code 11-09), Signs, a Valet Parking Service may place one sign, not exceeding fifteen square feet in area, at the Pickup and Drop Off Point. No sign shall be placed in or extend over any public right-of-way or public property unless approved by the Director.

**Section 14. Revocation and Suspension of License.** The City Manager or his or her designee may order any license suspended when a licensee fails to comply and to maintain compliance with, or violates any application, provision, standard or requirement of this Ordinance, or of regulation promulgated hereunder, or of any other applicable laws, ordinances or regulations. Upon written request of the licensee, a hearing to appeal such suspension shall be held before the City Council. Upon receipt of a written appeal, the City Council shall set a hearing date within thirty (30) days. Notice of such hearing shall be given in writing by first class mail to the appellant at least three (3) days prior to the date of the hearing thereon. The notice shall state the grounds of the complaint against the licensee and shall state the time and place where such hearing shall be held.

**Section 15. Duties of the Director.**

- (1) The Director shall make rules and regulations he or she deems necessary to maintain safe and efficient operations of Valet Parking Services within the City.
- (2) The Director shall from time to time designate areas as Pickup and Drop Off Points. Standing of motor vehicles in the possession of the Attendant shall be permitted only at such designated areas to Pickup and Drop Off vehicles.
- (3) The Director shall from time to time set operating times that are most acceptable in terms of public health and safety.
- (4) The Director or his or her designee shall cause the enforcement of this ordinance.

**Section 16. Penalties.** Any person violating any provision of this ordinance shall upon conviction, be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment of not more than ninety (90) days, or both, in the discretion of the court. Each day that a violation continues shall constitute a separate offense.

Enacted: June 12, 1989

Technical Amendments, July 9, 2018, Ord. No. 392

WOO:[WPWTB.04439.0001]ORD\_COD\_10-05.VALET\_PARKING



**CODE NO. 10-06 -- MECHANICAL AND ELECTRICAL AMUSEMENT DEVICES**

**Ordinance No. 253**

**AN ORDINANCE TO REGULATE COMMERCIAL AMUSEMENT DEVICES AND TO PROVIDE FOR LICENSING THEREOF.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Commercial Amusement Device.** The term "commercial amusement device" as used in this ordinance shall mean any instrument or machine which, upon the insertion of a coin or token or by payment of a fee, may be operated as a game, or for entertainment or amusement. It shall not include devices that furnish music and which are commonly referred to as jukeboxes, scales for the purpose of giving weights, medical devices providing blood pressure readings, and bowling lanes.

**Section 2. License Required.** It shall be unlawful for any person to operate or maintain any place or establishment on which any commercial amusement devices are located or installed without first obtaining a license for each commercial amusement device, provided, however, that no license fee is required for any commercial amusement device which was operated or maintained within the City of Grosse Pointe Farms prior to August 22, 1982. Any such pre-existing commercial amusement device shall be operated and maintained in accordance with all other provisions of this ordinance.

**Section 3. Application For License.** Application for a commercial amusement device license shall be made on forms provided by the Director of Public Service. Each application shall contain the following information:

- (a) Name and address of applicant, age, date and place of birth.
- (b) Place or establishment where the device is to be displayed or operated, the number of mechanical and electrical devices therein, and the business conducted at the place.
- (c) Description of the device to be covered by the license, its mechanical or electrical features, name of manufacturer, serial number.
- (d) The name and address of the owner of the place or establishment in which the devices are located.

(e) The proposed location of each device within the premises, including the distance in feet from any wall, table, chair or other obstruction.

**Section 4. Issuance of License.** The Director of Public Service shall not approve or issue a license for any commercial amusement device unless all of the following conditions prevail:

1. A distance of six (6) feet of clear area will exist in all directions measured from any part of the machine, except the machine may be placed against a wall, divider or other obstruction on one side of the machine.

2. All electrical wiring leading to such machine will be installed such that the electrical wire is not located on the floor surrounding the machine.

3. The applicant has applied for and obtained a business license from the City of Grosse Pointe Farms.

4. The owner has applied for and received a certificate from the Fire Division of the Public Safety Department establishing the limit for the number of persons who may be on the premises at any one time. The Director of Public Safety shall determine such capacity in accordance with rules promulgated by the Liquor Control Commission for Class C licensees.

5. The owner shows that in addition to the off-street parking requirements imposed by the Zoning Ordinance, one additional off-street parking space is available for each commercial amusement device.

6. The owner has paid a license fee to the City in the amount established by resolution of the City Council for each commercial amusement device for which a license is sought.

7. Public liability and property damage insurance in accordance with Section 9 of this ordinance has been obtained.

**Section 5. Restriction on Number of Licenses.** No more than five (5) licenses shall be issued for commercial amusement devices at any one place or establishment. The phrase "place or establishment" shall be liberally construed to prevent circumvention of this Section.

**Section 6. Term of Licenses.** If the applicant has compiled with the requirements of Section 4, the Director of Public Service shall issue such license for a term to expire twelve (12) months after the date of issue.

**Section 7. Condition of Operation.** The licenses may permit devices to be operated only under the following conditions:

(1) An adult supervisor shall remain on the premises at all times when the commercial amusement devices are operated or available for operation.

(2) The number of persons on the premises at any one time shall not exceed the capacity established by the Fire Division of the Public Safety Department.

(3) No commercial amusement device is to be operated by any child under the age of 12 years unless such child is accompanied by his or her natural parent or legal guardian who remains on the premises while such child is operating such machine.

(4) No commercial amusement device may be operated by any child 17 years of age or younger except during the following hours: 3:00 p.m. to 11:00 p.m., Monday through Friday, September 10 through June 10 of each year; 10:00 a.m. to 11:00 p.m. on Saturday and Sunday all year, and from June 11 through September 9 of each year during such hours as are compatible with applicable curfew restrictions.

(5) The Licensee has a valid business license issued by the City of Grosse Pointe Farms.

**Section 8. Revocation of License.** A commercial amusement device license may be revoked or suspended upon a finding by the Director of Public Safety, subject to review by the City Council, that such licensee has violated any of the conditions set forth in Section 7 or has misrepresented any fact included in the application for license.

**Section 9. Public Liability and Property Damage Insurance.** No license shall be issued to any applicant under this ordinance unless the applicant shall have filed with the Director of Public Service policies of public liability and property damage insurance in the following minimum amounts:

(1) For personal injuries to any one person, One Hundred Thousand Dollars (\$100,00.00);

(2) For personal injuries from any occurrence, Five Hundred Thousand Dollars (\$500,000.00);

(3) For damage to property, One Hundred Thousand Dollars (\$100,000.00).

**Section 10. License Not Transferable.** Licenses issued under this ordinance shall not be transferable.

**Section 11. Waiver of Off-Street Parking Requirements.** In the event an application for a license for commercial amusement devices is denied because of failure to meet off-street parking requirements, the applicant may request a waiver of all or part of the additional off-street parking requirements from the City Council.

The City Council may waive part or all of the additional off-street parking requirements imposed by this ordinance after a public hearing on such request and a finding by the City Council that a waiver of such requirement will not create an undue parking problem or be injurious to the surrounding neighborhood.

A notice of public hearing shall be published in a newspaper of general circulation in the City and shall be sent by first class mail to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the premises and to occupants within three hundred (300) feet at least seven (7) and not more than fifteen (15) days prior to such public hearing.

**Section 12. Severability of Provisions.** If any provision of this ordinance is declared to be invalid or unenforceable, all other sections shall remain valid and enforceable.

**Section 13. Penalty.** Any person, partnership, corporation or other entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) for each offense, or by imprisonment in the City or County Jail for not more than ninety (90) days for each offense, or may be both fined and imprisoned at the discretion of the Court.

**Section 14.** This Ordinance shall take effect twenty (20) days after its enactment or upon publication, whichever is later.

Enacted August 2, 1982

Section 2 Amended January 10, 1983, Ord. No. 261  
Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_10-06.MECHANICAL\_ELEC

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**CODE NO. 10-07 -- DRUG RELATED OBJECTS**

**Ordinance No. 255**

**AN ORDINANCE TO PROHIBIT THE SALE OR DISTRIBUTION OF DRUG RELATED OBJECTS.**

The City of Grosse Pointe Farms ordains:

**Section 1. Drug Related Objects.** The phrase "Drug Related Object" means any instrument, device, or object which is designed or marketed as useful primarily for one or more of the following purposes:

- (a) To inject, ingest, inhale, or otherwise introduce into the human body marijuana or a controlled substance;
- (b) To enhance the effect on the human body of marijuana or a controlled substance;
- (c) To test the strength, effectiveness, or purity of marijuana or a controlled substance;
- (d) To process or prepare for introduction into the human body marijuana or a controlled substance;
- (e) To conceal any quantity of marijuana or a controlled substance;
- (f) To contain or hold marijuana or a controlled substance while it is being introduced into the human body.

The term "controlled substance" includes all substances so defined by the Michigan Public Health Code, as amended.

**Section 2.** It shall be unlawful for any person, partnership, corporation or other entity, knowing of the drug related nature of the object, to sell, rent, lease, give or otherwise distribute to any person any drug related object unless the object is distributed directly by or pursuant to the order of a practitioner licensed by the State of Michigan while acting in the course of the practitioner's professional practice. It shall also be unlawful for any person, partnership, corporation or other entity, knowing the drug related nature of the object, to display for sale any drug related object. "Knowing" as used herein means either actual or constructive knowledge of the drug related nature of the object, including having been so advised by law enforcement authorities,

and a person, partnership, corporation or other entity has constructive knowledge of the drug related nature of the object if he, she or it has knowledge of facts which would put a reasonable and prudent person on notice of the drug related nature of the object.

**Section 3. Regulations.** The Director of Public Safety is hereby authorized to promulgate regulations for the enforcement of this Ordinance.

**Section 4. Penalty.** Any person, partnership, corporation or other entity violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and fined not more than Five Hundred Dollars (\$500.00) for each offense.

**Section 5.** This Ordinance shall take effect twenty (20) days after its enactment or upon publication, whichever is later.

Enacted September 13, 1982

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_10-07.DRUG\_RELATED\_OBJECTS

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**CODE NO. 10-08 -- MICHIGAN CONSOLIDATED GAS  
COMPANY FRANCHISE ORDINANCE**

ORDINANCE NO. 328

**AN ORDINANCE, GRANTING TO MICHIGAN CONSOLIDATED GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AND AUTHORITY TO LAY, MAINTAIN, AND OPERATE GAS MAINS, PIPES AND SERVICES ON, ALONG, ACROSS AND UNDER THE HIGHWAYS, STREETS, ALLEYS, BRIDGES AND OTHER PUBLIC PLACES, AND TO DO A LOCAL GAS BUSINESS IN THE CITY OF GROSSE POINTE FARMS, WAYNE COUNTY, MICHIGAN FOR A PERIOD OF THIRTY YEARS.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Grant of Gas Franchise and Consent to Laying of Pipes, Etc.**

Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company") , and to its successors and assigns, to lay, maintain, operate, and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys, and other public places in the City of Grosse Pointe Farms, Wayne County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said City of Grosse Pointe Farms for the purposes of conveying gas into and through and supplying and selling gas in said City of Grosse Pointe Farms and all other matters incidental thereto.

**Section 2. Gas Service and Extension of System.** If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations and the provisions of the City of Grosse Pointe Farms Charter; and provided further that such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

**Section 3. Use of Streets and other Public Places.** The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within said City of Grosse Pointe Farms and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and

assigns, shall use due care in exercising the privileges herein contained and shall be liable to said City of Grosse Pointe Farms for all damages and costs which may be recovered against the City of Grosse Pointe Farms arising from the default, carelessness, or negligence of the company or its officers, agents, and servants.

No road, street, alley, or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway commissioner or the City of Grosse Pointe Farms or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or the City Commission, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

**Section 4. Standards and Conditions of Service; Rules, Regulations and Rates.** The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company's schedule of rules, regulations, and rates as applicable in the several cities, villages, and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the City of Grosse Pointe Farms under the orders, rules, and regulations of the Michigan Public service Commission or other authority having jurisdiction in the premises.

**Section 5. Successors and Assigns.** The words "Michigan Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

**Section 6. Effective Date: Term of Franchise Ordinance; Acceptance by Company.** This ordinance shall take effect twenty (20) days following the date of publication thereof, which publication shall be made within fifteen (15) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the City of Grosse Pointe Farms at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the City Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, sixty (60) days after receiving the above mentioned documents, file with the City Clerk its written acceptance of the conditions and provisions hereof.

**Section 7. Effect and Interpretation of Ordinance.** All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions,



this ordinance shall control. The catch line headings which precede each Section of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this ordinance.

Enacted: October 17, 1994  
Technical Amendments, July 9, 2018, Ord. No. 392

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**CODE NO. 10-09 – DTE ENERGY MARKETING  
FRANCHISE ORDINANCE**

**ORDINANCE NO. 356**

**AN ORDINANCE, GRANTING TO DTE ENERGY MARKETING, INC. THE RIGHT, POWER AND AUTHORITY TO CONDUCT A LOCAL ELECTRIC POWER BUSINESS FOR PUBLIC USE IN THE CITY OF GROSSE POINTE FARMS, WAYNE COUNTY, MICHIGAN FOR A PERIOD OF THIRTY YEARS.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Grant of Electric Power Franchise.** Subject to all the terms and conditions set forth in this ordinance, the right, power and authority are hereby granted to DTE Energy Marketing, Inc., a corporation organized under the laws of the State of Michigan (the "Company"), to transact a local electric power business in the City of Grosse Pointe Farms, Wayne County, Michigan.

**Section 2. Electric Service.** If the terms and conditions herein contained are accepted by the Company, then the Company shall furnish customers in the City with electric power in accordance with applicable laws, rules and regulations and the provisions of the City of Grosse Pointe Farms Charter. The Company agrees to comply with all provisions of such Charter and all other applicable ordinances and administrative regulations.

**Section 3. Use of Streets and other Public Places.** The Company's delivery of electric power within the City shall utilize existing and future local utility company lines and equipment. The Company, its employees, agents and contractors, may not use the public ways of the City to construct power lines or install any other electrical equipment, unless otherwise agreed by the City pursuant to the right-of-way permit process. Further, the Company, its employees, agents and contractors, shall not disturb or obstruct the passage of any of the highways, streets, alleys, or other public places within the City, shall not dig or otherwise alter any of the highways, streets, alleys, or other public places within the City, and shall not disturb or impair any trees, gas lines, sewer pipes, telecommunications cables or other similar equipment. With respect to any work performed following the issuance of a permit therefor, and within a reasonable time after completing such work, the Company shall repair any damage and leave all property in as good condition as before the work was commenced. The Company, its employees, agents and contractors, shall use due care in exercising the privileges herein contained and shall be liable to said City of Grosse Pointe Farms for all damages and costs which may be asserted against or recovered from the City of Grosse Pointe Farms arising from the conduct of the Company's business within the City of Grosse Pointe Farms.

**Section 4. Insurance and Indemnity.**

A. Insurance. The Company shall obtain and maintain in full force and effect the following insurance covering all insurable risks associated with its exercise of the rights granted by this ordinance: Comprehensive General liability, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage and coverage for

property damage from perils of explosion, collapse, or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Two Million Dollars (\$2,000,000.00).

The City shall be named as an additional insured in all applicable policies. All insurance policies shall provide that they shall not be canceled or modified unless thirty (30) days prior written notice is given to the City. The Company shall provide the City with a certificate of insurance evidencing such coverage and maintain a current certificate on file with the City. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.

B. Indemnification. The Company shall, to the fullest extent permitted by law, at its sole cost and expense, indemnify and hold harmless the City, and all subsidiary entities of the City and their respective officers, boards, commissions, employees, agents, attorneys and contractors from and against any and all liability, obligations, damages, penalties, claims, liens, costs, charges, losses and expenses which may be imposed upon, incurred by or asserted against by reason of any act or omission by the Company, its personnel, agents or contractors in the conduct of its electric business in the City.

C. Notice; Cooperation and Expenses. The City shall give the Company prompt notice of the making of any claim or the commencement of any action, suit or proceeding covered by the provisions of this Section. Nothing herein shall be deemed to prevent the City from cooperating with the Company and participation in the defense of any litigation by the City's own counsel.

**Section 5. Franchise Not Exclusive.** The rights, powers and authority granted to the Company herein shall not be exclusive, and the City shall retain to the right to extend similar or other franchises to other persons or entities.

**Section 6. Standards and Conditions of Service; Rules, Regulations and Rates.** The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for electric power, and the standards and conditions of service and operation hereunder, shall be as provided by agreement between the Company and its customers, subject to the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction.

**Section 7. Assignment Prohibited.** The franchise granted herein to the Company is non-assignable and may not be conveyed, sold, assigned, sublet or used by any other person or entity without the prior consent of the City acting through its City Council.

**Section 8. Effective Date: Term of Franchise Ordinance; Acceptance by Company.** This ordinance shall take effect twenty (20) days following the date of enactment or upon publication thereof, whichever is later, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the City of Grosse Pointe Farms at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the City Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication thereof, and the Company shall, within fifteen

(15) days after receiving the above mentioned documents, file with the City Clerk its written acceptance of the conditions and provisions hereof.

**Section 9. Effect and Interpretation of Ordinance.** All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. If any portion of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

Enacted: September 18, 2000  
Technical Amendments, July 9, 2018

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**CODE NO. 11-01 – BUILDING CODE ORDINANCE**

**Ordinance No. 358**

**AN ORDINANCE TO ESTABLISH MINIMUM REGULATIONS GOVERNING THE DESIGN, ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, DEMOLITION, REMOVAL, CONVERSION, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES IN THE CITY OF GROSSE POINTE FARMS; TO PROVIDE FOR INSPECTIONS, THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; AND TO REPEAL ORDINANCE NO. 322.**

The City of Grosse Pointe Farms ordains:

**Section 1. Adoption of Building Code.** The building code of the State of Michigan (hereinafter referred to as the "Code"), as promulgated under the authority of the state construction code and as amended from time to time, is hereby adopted as the Building Code of the City of Grosse Pointe Farms, and is to be used in regulating the design, erection, construction, enlargement, alteration, repair, demolition, removal, conversion, maintenance and use of all buildings and structures in the City of Grosse Pointe Farms; and each and all of the regulations, provisions, conditions and terms of said Code are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance with the additions, insertions, deletions and changes prescribed in Section 3 of this Ordinance. As so modified, the City of Grosse Pointe Farms hereby assumes responsibility for the administration and enforcement of the Code within the boundaries of the City.

**Section 2. Purpose.** The purpose of this Ordinance is to ensure public safety, health and welfare insofar as they are affected by building construction and, in general, to secure safety to life and property from all hazards incident to the design, erection, construction, enlargement, alteration, repair, demolition, removal, conversion, maintenance and use of all buildings and structures in the City of Grosse Pointe Farms.

**Section 3. Additions, Insertions, Deletions and Changes.** The Code is hereby revised and modified in the following respects:

(a) Liability for certain costs and damages shall be governed by the following provision, which liability shall be in addition to any other liabilities or responsibilities as provided in the Code:

Civil Liability for Costs and Damages: Any and all costs and damages incurred (i) as a result of enforcement (including without limitation the deployment of equipment and personnel to respond to an emergency situation, the performance of investigations, and preparation for and attendance at administrative or court proceedings) of this Code, the fire prevention code promulgated under the authority of the state construction code or any other applicable code or ordinance pertaining to fire prevention or the use, transportation or storage of hazardous materials, or (ii) as a result of any measures undertaken (whether or not on an emergency basis) to protect the safety of persons or property within the City of Grosse Pointe Farms pursuant to this Code, the fire prevention code promulgated under the authority of the state construction code or any other applicable code or ordinance pertaining to fire prevention or the use, transportation or storage of hazardous materials, or (iii) as a result of any other measures undertaken in response to the presence or introduction of hazardous materials within the City of Grosse Pointe Farms, shall be payable, jointly and severally, by the owners and/or operators of any property, equipment, vehicle or vessel causing or contributing to, in whole or in part, an occurrence or condition (including without limitation any dangerous or hazardous condition or contamination of the environment) resulting in the enforcement action or other measures described in clauses (i), (ii) and (iii) above. The joint and several liability of owners and/or operators as described in the preceding sentence shall include responsibility for any acts or omissions of agents, employees, constructors or subcontractors causing or contributing to, in whole or in part, the occurrences resulting in enforcement or other responsive measures. Costs and damages recoverable under this Section shall include, without limitation, direct and indirect costs (such as wages, salaries, benefits and overtime charges) for personnel involved in any enforcement or other responsive measures; costs for repair or replacement of any equipment damaged or destroyed in connection with such enforcement or other responsive measures; costs associated with claims of personal injury sustained by personnel responding to an occurrence or condition governed by this Code, the fire prevention code promulgated under the authority of the state construction code or any other applicable code or ordinance pertaining to fire prevention or the use, transportation or storage of hazardous materials; and any amounts for which the City is held liable to third persons for personal injury or property damage and all costs of defense associated therewith. An owner or operator liable for costs and/or damages under this Section shall, upon demand, reimburse the City in full for all such costs

and/or damages (or, with respect to any property owner, to assess such costs and/or damages against the property in accordance with Section 11.9 of the City Charter). Upon failure to satisfy such reimbursement obligation in full within thirty (30) days following such demand, the City shall be permitted at any time thereafter to commence a civil action to recover such costs and/or damages. In connection with any such civil action, the City shall be entitled to recover, as a separate item of damages, the actual amount of attorneys' fees and other litigation expenses in connection with such civil action. The civil liability imposed by this Section shall be in addition to, and not in lieu of, any other responsibility imposed by this Code (or by other applicable code or ordinance) upon an owner and/or operator of any property, equipment, vehicle or vessel, including applicable fines or penalties or the responsibility to abate any hazardous or unsafe conditions.

(b) The payment of certain fees and deposits shall be governed by the following provision:

Fees and Deposits: Before receiving a building permit for any purpose or any amendment thereto, the owner (or the owner's duly authorized agent) shall pay such fees pursuant to a schedule established by the code official and approved by resolution of the City Council. In addition, before receiving a building permit for any purpose or any amendment thereto, the owner (or the owner's duly authorized agent) shall deposit with the City an amount determined by the code official (subject to direction by resolution of the City Council) to be adequate to protect the City against the cost of any expenses which the City may incur as a result of the work covered by the permit, including (but not by way of limitation) the cost of further permits, removal of debris, restoration of ground levels, use of unmetered water, repair of damaged sidewalks and other property and charges related to establishing and disconnecting water connections.

(c) Violations of the Code shall be governed by the following provision, and the penalties established below shall be in addition to any other penalties established in the Code:

Violations, Penalties: It shall be unlawful for any person to erect, construct, alter, repair, use, occupy or maintain any building or structure in violation of any provision of this code or in violation of an approved plan, permit, certificate or directive of the code official, or to cause, permit or suffer any such violation to be committed. Any such person shall be deemed guilty of

a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, for each provision of law thus violated. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day that the violation continues or is permitted to continue shall constitute a separate offense. Any person who shall continue any work in or about a structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

(d) Demolition permits shall be governed by the following provision, which shall be in addition to any other requirements established in the Code:

Application for Demolition Permit: Before a structure can be demolished or removed, the owner or agent shall file with the code official a written application for a permit therefor. Said application shall be posted by the code official, at a place in the city hall designated for public notices, for a period not less than fifteen (15) days. A permit to demolish or remove a structure shall not be issued until the expiration of such fifteen (15) day period and compliance by the owner of all other requirements of this code.

**Section 4. Other Ordinances.** In case of conflict between any provision of the Code (as adopted in this Ordinance) and the provisions of any other Ordinance of the City of Grosse Pointe Farms, the most restrictive provisions shall control.

**Section 5. Repeal.** The following Ordinance is hereby repealed: Ordinance No. 322, adopted November 8, 1993, entitled "AN ORDINANCE TO ESTABLISH MINIMUM REGULATIONS GOVERNING THE DESIGN, ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, DEMOLITION, REMOVAL, CONVERSION, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES IN THE CITY OF GROSSE POINTE FARMS; TO PROVIDE FOR INSPECTIONS, THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; AND TO REPEAL ORDINANCE NOS. 306 AND 310."

**Section 6. Severability.** If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.



**Section 7. Effective Date.** This Ordinance shall take effect twenty (20) days after its enactment, or upon its publication, whichever is later.

Enacted: July 9, 2001

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 599714

**CODE NO. 11-02 -- NUMBERING OF BUILDINGS ORDINANCE**

**Ordinance No. 108**

**AN ORDINANCE TO PROVIDE FOR THE NUMBERING OF HOUSES AND OTHER BUILDINGS AND TO REPEAL ORDINANCE NO. 55.**

The City of Grosse Pointe Farms ordains:

**Section 1.** The Director of Public Service shall assign identifying numbers to houses and other buildings located on streets and other public and private ways in the City of Grosse Pointe Farms, and shall maintain suitable maps of all streets and public and private ways indicating the correct numbering of the houses and other buildings thereon. No house or building number shall be changed without the written consent of the Director of Public Service.

**Section 2.** House and building numbers shall be assigned in accordance with the following general rules:

(a) Facing progressive with the numbers, even numbers shall be assigned to the right hand side of the street or way and odd numbers shall be assigned to the left hand side.

(b) A base line shall be established extending along the center line of Fisher Road. All streets and ways extending in a general northeasterly direction therefrom shall be numbered 1 and 2 at said base line, the numbers increasing in series to each block, as practicable. Another base line shall be established along Lake St. Clair, and all streets and ways extending in a general northwesterly direction therefrom shall be numbered 1 and 2 at said base line, the numbers to increasing series to each block as practicable. Streets and ways not originating at these base lines shall have numbers conforming to streets and ways originating at said base lines, to which they are generally parallel.

(c) The numbers shall be assigned progressively from the base lines and other beginning points determined by the Director of Public Service, in series to each block as nearly as practicable and as required by the length of the blocks. The unassigned numbers of a series are to be dropped at the end of each block and the succeeding block is to be numbered with the first number of the following series. As nearly as practicable, streets and ways extending in the same general direction shall be numbered in the same series in parallel blocks.

(d) Series assigned to specific blocks shall be as follows:

<b>Streets Running Northwesterly Between</b>	<b>Series</b>
Lake St. Clair and Grosse Pointe Blvd.	0 to 50
Grosse Pointe Blvd. and Kercheval Avenue .....	51 to 150
Kercheval Avenue and Ridge Road .....	151 to 200
Ridge Road and Charlevoix Avenue .....	201 to 250
Charlevoix Avenue and Beaupre Road .....	251 to 300
Beaupre Road and Chalfonte Avenue .....	301 to 400
Chalfonte Avenue and Mack Avenue .....	401 to 500
<b>Streets Running Northeasterly Between</b>	
Fisher Road and Muir Road.....	0 to 150
Muir Road and Moran Road.....	151 to 200
Moran Road and Cloverly Road.....	201 to 250
Cloverly Road and Kerby Road.....	251 to 300
Kerby Road and Moross Road.....	301 to 350
Moross Road and Weir Lane .....	351 to 500

(e) When property is located on more than one street or way, the owner may select the street or way on which the house or building is to be numbered which shall be considered the front of the house or building for the purpose of this ordinance.

**Section 3.** Numbers shall be placed on the front of every house and building, or in the front of the house or building premises, so as to be visible from the adjacent street or way. The numbers shall be a minimum of four (4) inches in height and otherwise of such size and color, and in such contrast with their background, so as to be easily readable from the adjacent street or way.

**Section 4.** Every owner, lessee and occupant of property on which a violation of this ordinance exists shall be deemed to have violated this ordinance and shall, upon conviction, be subject to a fine of not more than One Hundred Dollars (\$100.00) or imprisonment for not more than thirty (30) days, or both, in the discretion of the court. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

**Section 5.** Ordinance No. 55, adopted November 6, 1939, entitled "An Ordinance to provide for the Renumbering, under the Supervision of the Village, of all Stores, Houses and Other Buildings within the Village of Grosse Pointe Farms, to Conform to one General System, and to Provide a Penalty for Violation of the Terms Thereof" is hereby repealed.

**Section 6.** If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby.

**Section 7.** This ordinance shall take effect twenty (20) days after its enactment, or upon its publication, whichever is later.

Enacted December 21, 1953

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_11-02.NUMBERING\_OF\_BUILDING

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**CODE NO. 11-03 -- FENCE ORDINANCE**

**Ordinance No. 93**

**AN ORDINANCE TO REGULATE FENCES, WALLS, HEDGES, BUSHES, SHRUBS, TREES AND PLANTING, AND TO REPEAL ORDINANCE NUMBER 50.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** No fence or wall shall be erected, maintained or permitted in the City of Grosse Pointe Farms except:

- (a) Fences and walls which do not exceed four (4) feet in height. Any fence or wall of any height which is to be placed in front of the building line (i) shall be located on the owner's property or the property line, (ii) shall not be located on any portion of the public right-of-way, (iii) shall be set back at least two feet from any street, roadway, sidewalk or other public improvement, (iv) shall be located so as to not restrict proper visual observation of vehicles or persons using the public right-of-way as determined by the Director of Public Service or the Director of Public Safety, (v) shall be of decorative design that utilizes pickets, post and rail, split rail or open latticework, and (vi) shall be constructed in such a manner that there shall be provided for the full length and height thereof horizontal openings or vertical openings (or both) of at least three (3) inches in width, and such openings shall be placed such that at least fifty percent (50%) of the length or height (as the case may be) of such fence or wall, when viewed from an angle perpendicular to such fence or wall, shall consist of such openings. Cyclone or chain-link fences shall not be permitted in front of the building line unless screened by hedges, shrubs or other landscaping (in which case the setback and visual obstruction requirements set forth above shall apply to such hedges, shrubs or other landscaping).
- (b) Fences and walls exceeding four (4) feet in height but not exceeding six (6) feet in height, in the rear of the building line permitted under the Zoning Ordinance as from time to time in effect, with the consent of the owner of the adjoining property nearest the fence or wall. Such consent shall be in writing and

shall be filed with the City, and shall be irrevocable and binding on succeeding owners of the property with respect to the fence or wall for which it is given. The limitation of such fences to the rear of the building lines applies to every street on which the property may abut, and refers to the side of such line away from such street. If the adjoining property nearest the fence or wall has a building line further from the street than the building line of the property on which the fence or wall is built, the fence or wall exceeding four (4) feet in height shall be built only to the rear of the building line of such adjoining property.

- (c) Fences and walls not exceeding eight (8) feet in height in business and commercial districts as described in the Zoning Ordinance from time to time in effect, and fences and walls not exceeding eight (8) feet in height adjacent and parallel to the boundaries of business, commercial and parking districts.
- (d) Barriers for parking areas, as required or permitted by the Zoning Ordinance, as from time to time in effect.
- (e) Retaining walls, to the extent actually used as a retaining barrier for earth at normal grade line.
- (f) Fences or walls not exceeding eight (8) feet in height protecting or enclosing any City park or other municipal property. Fences or walls not exceeding six (6) feet in height separating residential properties from any off-street parking lot, or playground used or operated in connection with any church, school, library, memorial center, hospital or other public or private institution. Fences or walls not exceeding eight (8) feet in height protecting or enclosing any church, school, library, memorial center, hospital or other public or private institution or residences adjacent thereto with the consent of the Council. Height shall be determined from the normal grade line at the base of the fence or wall. General alterations of the grade of the property shall not be considered deviations from normal grade line for the purpose of this Ordinance.
- (g) If any proposed fence or wall will adjoin a public right-of-way, will exceed six (6) feet in length and will exceed four (4) feet in height, the property owner must, by petition, obtain the approval of the City Council prior to the installation of such fence or wall. With the petition to the City Council, the owner shall submit plans to scale showing all dimensions of the proposed fence or wall, the proposed design of both sides of the fence or wall, and a sketch of the property upon which the fence or wall is to be

installed. The petition shall fully describe the need for such fence or wall. Such fence or wall shall be located on the owner's property or the property line, shall not be located on any portion of the public right-of-way, and shall be set back at least two (2) feet from any street, roadway, sidewalk or other public improvement. Additionally, such fence or wall shall be located so as not to restrict proper visual observation of vehicles or persons using the public right-of-way as determined by the Director of Public Service or the Director of Public Safety. The City Manager or his or her designated representative will set a date for hearing on such petition and notice by first class mail shall be given by the petitioner not later than ten (10) days prior to the hearing, to all property owners with residences located within two hundred (200) feet of the fence or wall to be erected and fronting on the street or streets which abut the premises on which the fence or wall is to be erected. The City Council may condition the approval of the proposed fence or wall upon modifications to the design, placement or dimensions of the proposed fence or wall in order to protect or improve the public health, safety and welfare (including without limitation the conformity of the proposed fence or wall with other structures in the neighborhood and the appearance of such fence or wall to neighboring property owners).

- (h) Routine maintenance, repair or painting of any existing fence or wall shall be allowed without the necessity of obtaining a permit for such routine maintenance, repair or painting. Except as set forth in the preceding sentence, all procedures established in this Fence Ordinance for obtaining written consent from adjoining property owners and a fence permit prior to the erection of certain fences or walls shall be fully applicable to (i) any proposed change in the height or location of any existing fence or wall; (ii) any proposed change in the appearance of any existing fence or wall; (iii) the proposed attachment of any apparatus, screening or other materials to any existing fence or wall; and (iv) any other alteration of any kind to an existing fence or wall, except that which utilizes the same location, height and materials of the existing fence or wall.

**Section 2.** No barbed wire, and no exposed spikes, broken glass or other dangerous devices or materials shall be used on or in connection with any fence or wall, or in connection with any barrier or enclosure in the City of Grosse Pointe Farms.

**Section 3.** No fences, walls, hedges, bushes, shrubs, trees or planting shall be erected, planted, maintained or permitted near any street intersection or at the entrance to or along any public or private driveway so as to obstruct the view of operators of vehicles and pedestrians approaching such intersection or entrance or impede safe ingress or egress of vehicles, including emergency vehicles, or their passengers, to the impairment of the safe operation of such vehicles and the safety of the general public.

**Section 4.** Any violation of the provisions of this Ordinance shall constitute a public hazard and nuisance.

**Section 5.** Before any fence or wall shall hereafter be erected on any property in the City of Grosse Pointe Farms, other than property of the City, a written permit therefor shall be obtained from the City upon application in writing. The application shall set forth a description of the fence or wall, and its proposed location, and such other information as the officers of the City may reasonably require. A permit shall be issued upon determination by the administrative officers of the City that the proposed fence or wall complies with the provisions of this Ordinance, otherwise the permit shall not be issued. A fee in the amount established by Council resolution shall be paid to the City prior to the issuance of each permit.

**Section 6.** An appeal to the Council may be taken from any action of the administrative officers of the City denying a permit for a fence or wall, or from any action with respect to fences, walls, hedges, bushes, shrubs, trees or planting under Sections 2 and 3 of this Ordinance. Appeals must be in writing and must be filed within ten (10) days after the decision appealed from is mailed or otherwise communicated to the appellant. The Council may upon such appeal reverse, modify or affirm the action of the administrative officers. The Council may also, upon any such appeal, and in its discretion, reduce or modify the requirements of this Ordinance in individual cases, where it determines that such action will not impair the general effect and intent of this Ordinance, (a) in any situation of unusual practical difficulty or unnecessary hardship, or (b) in the general interest of the public safety, comfort, convenience, or the protection of property values.

**Section 7.** The City Council may order the abatement of any condition which violates the provisions of this Ordinance, and if the owner or the property fails to comply with such order within the time form compliance state therein, may abate such condition and assess the cost thereof against such property in accordance with Section 11.9 of the City Charter. An order of abatement under this Section 7 shall be in addition to and not in lieu of penalties provided by this Ordinance or by law for violation of this Ordinance. A copy of the order provided for in this section shall be served on the owner by delivering a copy to such owner personally, or by mailing a copy to the owner at his or her last known address by registered mail. If the owner is not readily available for personal



service, and no mailing address is readily available, or if the owner is unknown, the order may be served by posting a copy in a conspicuous place on the premises.

**Section 8.** Every owner, lessee and occupant of property on which a violation of this Ordinance exists shall be deemed to have violated this Ordinance and shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

**Section 9.** This Ordinance shall apply to all conditions existing at the date it takes effect as well as to subsequent conditions; as to such pre-existing conditions, the provisions of Section 1 shall apply only to the extent that such conditions were also in violation of ordinance number 50 adopted May 10, 1937, entitled "AN ORDINANCE TO REGULATE THE HEIGHT OF FENCES, WALLS, HEDGES, TREES, PLANTS, BUSHES, AND SHRUBS WITHIN THE VILLAGE OF GROSSE POINTE FARMS AND TO REPEAL AN ORDINANCE ADOPTED NOVEMBER 12, 1929, ENTITLED 'AN ORDINANCE TO REGULATE THE HEIGHT OF FENCES, HEDGES AND WALLS AND THE LOCATION OF TREES AND SHRUBS WITHIN THE VILLAGE OF GROSSE POINTE FARMS.'" Said ordinance number 50 is hereby repealed.

**Section 10.** If any provision of this Ordinance or its application to any condition shall be held invalid, the remainder of the Ordinance or its application to other conditions shall not be affected thereby.

**Section 11.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: December 1, 1952

Amended Sept. 26, 1955, Ord. No. 116  
Section 1(a) and (g) Amended Feb. 7, 1977, Ord. No. 211  
Section 1(g) Amended Sept. 19, 1977, Ord. No. 213  
Section 1 Amended March 4, 1985, Ord. No. 276  
Section 1(a) and (g) Amended April 19, 1993, Ord. No. 319  
Section 1(h) added June 12, 1995, Ord. No. 334  
Section 3 Amended Aug. 15, 1988, Ord. No. 294  
Section 5 Amended March 4, 1985, Ord. No. 276  
Section 1(a) Amended September 9, 2002, Ord. No. 364  
Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_11-03.FENCE

**CODE NO. 11-04 – ELECTRICAL CODE ORDINANCE**

ORDINANCE NO. 361

**AN ORDINANCE TO REGULATE THE INSTALLATION, ALTERATION, REPAIR, SERVICING, MAINTENANCE AND USE OF ELECTRICAL EQUIPMENT IN THE CITY OF GROSSE POINTE FARMS; TO PROVIDE FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; TO PROVIDE FOR INSPECTION OF ELECTRICAL EQUIPMENT; AND TO REPEAL ORDINANCE NO. 323.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Adoption of Electrical Code.** The electrical code of the State of Michigan (hereinafter referred to as the "Code"), as promulgated under the authority of the state construction code and as amended from time to time, is hereby adopted as the Electrical Code of the City of Grosse Pointe Farms, and is to be used in regulating the design, installation, construction, alteration, repair, maintenance and inspection of all electrical equipment in the City of Grosse Pointe Farms; and each and all of the regulations, provisions, conditions and terms of said Code are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance. The City of Grosse Pointe Farms hereby assumes responsibility for the administration and enforcement of the Code within the boundaries of the City.

**Section 2. Purpose.** The purpose of this Ordinance is the practical safeguarding of persons and property from the hazards arising from the use of electricity and electrical equipment.

**Section 3. Permits.** Permits shall be required for the installation of all electrical equipment in the City of Grosse Pointe Farms. Permits shall be issued by the City Manager, upon application and subject to the conditions set forth in the Code. Permits may be denied in any case in which the electrical work covered thereby is in violation of the Code or this Ordinance. Permits may be revoked by the City Manager for any violation of the Code or this Ordinance, or of any terms and conditions of the permit.

**Section 4. Fees.** Before receiving a permit, a fee shall be paid to the City Treasurer, in such amount as may from time to time be prescribed by the Council of the City of Grosse Pointe Farms.

**Section 5. Inspection.** All electrical equipment in the City of Grosse Pointe Farms shall be subject at all reasonable times to inspection by the City Manager or the code official, for the purpose of determining compliance with this Ordinance.

**Section 6. Licensing.** No person, firm, corporation, partnership, limited partnership, limited liability company, limited liability partnership or other entity shall install or alter any electrical equipment, including any electric wiring, devices, appliances or appurtenances for the generation, distribution and utilization of electrical energy, within or on any building, without being duly licensed by the State of Michigan (or by another governmental agency having jurisdiction) as a master electrician, electrical journeymen or electrical contractor. No person, firm, corporation, partnership, limited partnership, limited liability company, limited liability partnership or other entity shall engage in the business of electrical contracting unless such person, firm, corporation, partnership, limited partnership, limited liability company, limited liability partnership or other entity shall have received an electrical contractor's license. Any electrical contractor, master electrician or journeymen electrician holding a license issued by the State of Michigan, or by any other governmental agency having jurisdiction, shall be recognized as licensed and may perform electrical work in the City of Grosse Pointe Farms upon registration with the City Manager or the code official.

**Section 7. Penalties.** Any person violating any provision of this Ordinance shall upon conviction, be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day that the violation is permitted to continue shall constitute a separate offense.

**Section 8. Other Ordinances.** In case of conflict between any provision of this Ordinance and the provisions of any other Ordinance of the City of Grosse Pointe Farms, the most restrictive provision shall control.

**Section 9. Repeal.** The following ordinance is hereby repealed: Ordinance Number 323 adopted November 8, 1993, entitled "AN ORDINANCE TO REGULATE THE INSTALLATION, ALTERATION, REPAIR, SERVICING, MAINTENANCE AND USE OF ELECTRICAL EQUIPMENT IN THE CITY OF GROSSE POINTE FARMS; TO PROVIDE FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR, FOR INSPECTION OF ELECTRICAL EQUIPMENT, AND FOR LICENSING OF ELECTRICAL CONTRACTORS, MASTER ELECTRICIANS AND JOURNEYMEN; AND TO REPEAL ORDINANCE NO. 307."

**Section 10. Severability.** If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 11. Effective Date.** This Ordinance shall take effect twenty (20) days after its enactment, or upon its publication, whichever is later.

Enacted: July 9, 2001

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 599718

**CODE NO. 11-05 -- HEATING CODE ORDINANCE****Ordinance No. 109**

**AN ORDINANCE TO REGULATE THE DESIGN, CONSTRUCTION, INSTALLATION, MAINTENANCE AND USE OF OIL BURNING HEATING EQUIPMENT FOR USE IN CONNECTION WITH ALL TYPES OF SPACE HEATING EQUIPMENT, HOT WATER SUPPLY AND STEAM GENERATING EQUIPMENT AND APPLIANCES AND APPURTENANCES THEREOF; AND OF ALL GAS FIRED SPACE HEATING EQUIPMENT AND APPLIANCES AND APPURTENANCES THEREOF IN THE CITY OF GROSSE POINTE FARMS, MICHIGAN; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE; TO PROVIDE FOR A BOARD OF EXAMINERS AND ITS POWERS AND DUTIES; TO PROVIDE FOR THE LICENSING OF CONTRACTORS; TO DESIGNATE THE REQUIRED FEES FOR LICENSES AND PERMITS; TO PROVIDE A RECIPROCAL ARRANGEMENT FOR THE RECOGNITION OF EXAMINATIONS AND LICENSES ISSUED BY OTHER MUNICIPALITIES OF THE STATE OF MICHIGAN VOLUNTARILY COOPERATING IN THE ENFORCEMENT OF THIS ORDINANCE; TO PROVIDE A PENALTY FOR THE VIOLATION OF THE TERMS THEREOF; AND TO REPEAL ORDINANCES NO. 37 AND 86.**

The City of Grosse Pointe Farms ordains:

**Section 1.** A certain document, a copy of which is on file in the office of the City Clerk, available for inspection by and distribution to the public at all times, and which is marked and designated as the "Reciprocal Heating Code," which was promulgated and published by the Reciprocal Heating Council, Incorporated and with an effective date of May 25, 1966, as amended October 1, 1974, is hereby adopted, and is to be used in regulating the design, construction, installation, maintenance and use of oil burning heating equipment, hot water supply and steam generating equipment and appliances and appurtenances thereof, and of all gas fired space heating equipment and appliances and appurtenances thereof; and each and all of the provisions, conditions, and terms of said "Reciprocal Heating Code," on file in the office of the City Clerk, are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

**Section 2.** The provisions of the "Heating Code," as hereinabove adopted, are subject to changes set forth below, it being hereby determined that the additions, insertions, deletions and changes set forth below shall control and supersede the specific provisions of the said "Heating Code." References in the "Heating Code" to the "City, Village or Township" shall mean the City of Grosse Pointe Farms, Michigan. References to "Governing Body" shall mean the City Council of

the City of Grosse Pointe Farms. References to the "Engineering Officer" and "Managing Agency" is the City's Director of Public Service. The section numbers set forth below shall refer to the like numbered sections of the "Heating Code."

Section 2.4 is amended to read as follows:

"A Board of Examiners consisting of at least five (5) members shall be appointed by the governing body to advise the person in charge of the Department on examinations required by this Ordinance. The members shall be citizens of the United States, and shall be qualified in the knowledge of the mechanics of the business. The five (5) members shall consist of two (2) representing the governing body of the City of Grosse Pointe Farms or any reciprocating municipality under this heating code, two (2) representing the heating business, and one (1) citizen at large, who shall be a mechanical engineer."

Section 2.10 is amended to read as follows:

"Examination may be written or oral and may include practical demonstrations, and it shall cover the construction engineering, and the interpretation of charts, blueprints and plans of heating installations. The examinations shall be substantially uniform for all reciprocating municipalities."

Section 2.11 is amended to read as follows:

"Each applicant shall upon making application for a license pay an examination fee in an amount established from time to time by the Governing Body. Any applicant failing to appear for examination or failing to secure a passing grade shall again pay the examination fee before being permitted to again take the examination."

Section 2.12 is amended to read as follows:

"Examinations for a license under this code shall be held at such times as shall be determined by the Board of Examiners. No sessions of the Board of Examiners need be held unless there is at least one applicant for examination. Special sessions of the Board of Examiners may be called by the Chairman when, in his or her discretion, necessity may require it."

Section 2.16 is amended to read as follows:

"No license shall be revoked except for cause upon proof of charges filed by the Inspector, specifying with reasonable detail the facts showing carelessness or negligence in the performance of the licensee's duties in connection with his or her work, or showing that such licensee has violated or permitted a violation of this code, or that this code has been violated in connection with work for which the licensee was responsible and of which the licensee was aware, or in the exercise of reasonable diligence, should have been aware that such violation had occurred. Upon the filing of such charges, the Governing Body may forthwith suspend the license involved, and shall give to such licensee notice of a hearing upon such charges, which hearing shall be held by the Governing Body not less than ten (10) days after the date of such notice unless an earlier date is agreed upon in writing by the licensee affected. Such notice shall be by personal service or registered mail forwarded to the last known address, and shall state the time and place of such hearing and shall contain a copy of the charges. If such charges are sustained by the Governing Body the license shall be revoked and the licensee shall be notified in writing of such revocation."

Section 2.23 is amended to read as follows:

"Fees for the issuance of installation or alteration permits for inspections required under the provisions of the Ordinance shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees shall be established from time to time by the Governing Body and may be varied in relation to the character and value of the work, amount of inspection required, and other factors deemed pertinent by the Governing Body."

Section 3.3 is amended to read as follows:

Board of Examiners: The City of Grosse Pointe Farms designates the Board of Examiners of the City of Detroit to serve as its Board of Examiners and the applicant shall pay to the City of Detroit any fees or charges imposed by the City of Detroit for such service.

Section X, Repeal Clauses, Validity, Saving and Penalty, consisting of Secs. 10.1 through 10.5, is replaced by the following:

## **SECTION X**

**REPEAL CLAUSE, OTHER ORDINANCES, PENALTIES,  
SEVERABILITY AND EFFECTIVE DATE**



**Section 10.1. Repeals.** The following ordinances are hereby repealed: Ordinance No. 37, Adopted August 4, 1929, Entitled "An Ordinance To Regulate The Use, Handing, Storage And Sale Of Fuel Oil, And The Arrangement, Design, Construction And Installation of Burners, Tank And Other Equipment For The Burning Of Fuel Oil For Heating Purposes."; Ordinance No. 86, Adopted November 7, 1949, Entitled "An Ordinance To Regulate The Design, Construction, Installation, Repair, Alteration And Maintenance Of Gas Fired Space Heating Equipment, Appliances And Appurtenances."

**Section 10.2. Other Ordinances.** In case of any conflict between the provisions of any other ordinance of the City of Grosse Pointe Farms, at any time in effect, and the provisions of this ordinance, the provisions of this ordinance shall control, unless specifically repealed.

**Section 10.3. Penalties.** Any person violating any provision of this ordinance shall, upon conviction, be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

**Section 10.4. Severability.** If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby.

**Section 10.5. Effective Date.** This ordinance shall take effect twenty (20) days after its enactment, or upon its publication, whichever is later.

Enacted: December 21, 1953

Amended July 16, 1979, Ord. No. 234  
Amended October 1, 1979, Ord. No. 238  
Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_CODE\_11-05.HEATING

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CITY OF GROSSE POINTE FARMS

WAYNE COUNTY, MICHIGAN

CODE NO. 11-06 -- PROPERTY MAINTENANCE CODE

ORDINANCE NO. 374

**AN ORDINANCE TO REGULATE THE MAINTENANCE OF RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES IN THE CITY OF GROSSE POINTE FARMS.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Adoption of Code by Reference.** Pursuant to the provisions of Section 3(k) of Act 279 of 1909, State of Michigan, as amended, The International Code Council, Incorporated, International Property Maintenance Code (hereinafter referred to as the "ICC International Property Maintenance Code 2003"), is hereby found and declared to be an acceptable code and is hereby adopted by reference (as modified and supplemented in this Ordinance) for the purpose of protecting the public health, safety and welfare in connection with the maintenance of structures located in the City of Grosse Pointe Farms. The ICC International Property Maintenance Code, as modified and supplemented in this Ordinance, provides for, among other things:

- a. Minimum standards for basic equipment and facilities for light, ventilation, space heating and cooling, and sanitation; for safety from fire hazards; for safe use and location of equipment and facilities; and for safe and sanitary maintenance;
- b. Fixing the responsibilities of owners, operators and occupants of all structures; and
- c. Administration, enforcement and penalties.

**Section 2. Code on File.** Complete printed copies of the ICC International Property Maintenance Code 2003, herein adopted, are available for public use and inspection at the Office of the City Clerk.

**Section 3. References in Code.** References in the ICC International Property Maintenance Code 2003 shall be read as referring to the City of Grosse Pointe Farms.

All references therein to the "municipality" and to any and all of the personnel, bureaus and/or subdivisions of the Building Department or Public Service Department shall be read as referring to the Chief Code Enforcement Officer of the City of Grosse Pointe Farms and such representative(s) as he or she may expressly designate. All references therein to the legal representative of the municipality shall be read as referring to the City Attorney of the City of Grosse Pointe Farms.

**Section 4. Changes in Code.** The following sections and sub-sections of the ICC International Property Maintenance Code 2003 are hereby amended or deleted as set forth below and additional sections and sub-sections are added as indicated. (Subsequent section numbers used in this Ordinance shall refer to the like numbered sections of the ICC International Property Maintenance Code 2003.)

a. Section 101.1 is modified to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Grosse Pointe Farms, hereinafter referred to as "this code."

b. Section 101.3 is modified to read as follows:

101.3 Intent. This code shall be construed to secure its express intent and purpose, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with the provisions of this code shall be altered or repaired to provide the minimum level of health and safety as required herein.

c. Section 102.3 is modified to read as follows:

102.3 Application of Other Codes. This code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises, but does not replace or modify applicable requirements otherwise established for the construction, repair, alteration, or use of buildings, equipment or facilities. Without limiting the generality of the preceding sentence, repairs, additions or alterations to a structure, as well as the status of a structure at the time of a change in occupancy, shall satisfy the requirements, procedures and provisions of the Michigan Building Code, Michigan Plumbing Code, Michigan Mechanical Code and Michigan Electrical Code. Further, nothing in this code shall be construed to cancel, modify or set aside any provision of the Zoning Ordinance of the City of

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Grosse Pointe Farms or any other applicable code or ordinance promulgated or adopted by the City of Grosse Pointe Farms.

d. The title of Section 103 is modified to read "Department of Public Service".

e. Section 103.1 is modified to read as follows:

103.1 General. The Department of Public Service shall be responsible for the enforcement of this code and the Director in charge of such department shall be known as the Chief Code Enforcement Officer for purposes of enforcement of this code.

f. Section 103.2 is deleted in its entirety.

g. The following schedule of fees is inserted in connection with Section 103.5:

Residential Certificate of Occupancy Inspection: \$100.00  
Non-Residential Business Licensing Inspection: \$150.00

h. Section 103.5 is modified to read as follows:

103.5 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the City of Grosse Pointe Farms, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted to be undertaken in the discharge of official duties. Any action, suit or proceeding instituted against any code official, officer or employee because of an act or omission performed by that official, officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the City of Grosse Pointe Farms until the final termination of the proceedings. The code official or any designee shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer or employee of the Department of Public Service, acting in good faith and without malice, shall be free from liability

for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

i. Section 106.4 is modified to read as follows:

106.4 Penalty for Violations: Any person violating or failing to comply with any provision of this code shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court. Every day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

j. Section 111 is deleted in its entirety and Sections 111.1, 111.2 and 111.3 are inserted in its place as follows:

111.1 General. Any owner or person who is aggrieved with a ruling or decision of the enforcing officer in any matter relative to the interpretation or enforcement of any of the provisions of this code may appeal the decision or interpretation to the City Council.

111.2 Filing. The appeal must be filed with the Director of Public Service in writing, within fourteen (14) days of the date of issuance of the decision or interpretation. Also, at the time of filing, a fee shall be paid in an amount as set from time to time by the City Council.

111.3 Decision. The City Council shall act as an appeal board and shall have the duty, responsibility and authority to decide all matters referred to the City Council. The decision of the City Council shall be final and binding.

k. Section 201.3 is modified to read as follows:

201.3 Terms defined in other codes. Where terms are not specifically defined in this code but are defined in the Michigan Building Code, Michigan Plumbing Code, Michigan Mechanical Code, ASME A1 7.1 or the Michigan Electrical Code, such terms shall have the respective meanings ascribed to them in such codes.

l. Section 302.1(a) and (b) are inserted as follows:

302.1 Sanitation. (a) Every occupant of a building or premises, or any part thereof, shall keep that part of the building and/or premises that he or she occupies, controls or uses, in a clean and sanitary condition, free from any accumulation of rubbish or garbage, as required by Code No. 9-03, Ordinance No. 182.

(b) Every occupant of a building or premises, or any part thereof, shall dispose of all rubbish in a clean and sanitary manner by placing it in approved rubbish containers as required by Code 8-03, Ordinance No. 69. Rubbish containers shall be screened from view from the street and adjacent properties, as required by Code No. 12-03, Ordinance No. 192.

m. Section 302.2(a) is inserted as follows:

302.2(a) Grading and Drainage. Grading shall be done in a manner that will not result in the flow of storm water to be concentrated or accelerated onto adjacent properties, and in a manner that will not result in flooding of storm water on adjacent properties, in accordance with Section 1515 of Code No. 12-03, Ordinance No. 192.

n. Section 302.3 is modified to read as follows:

302.3 Sidewalk and Driveways. Frontage sidewalks on public rights-of-way shall be maintained in accordance with Code No. 8-02, Ordinance No. 102. All other sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept and maintained in a proper state of repair, free from hazardous conditions.

o. Section 302.5 is modified to read as follows:

302.5 Insect and Rodent Harborage. All structures and exterior property shall be kept free from insect and rodent harborage and infestation. Where insects and/or rodents are found, they shall promptly be exterminated by approved processes, which shall not be injurious to human health. As soon as practicable following extermination, proper precautions shall be taken to eliminate insect and rodent harborage and prevent re-infestation.

p. Section 302.6 is deleted in its entirety.

q. Section 302.10 is inserted as follows:

302.10 Nuisance. All exterior property areas shall be maintained in a manner consistent with the requirements of Code No. 7-02, Ordinance No. 104.

r. Section 302.2(a) is inserted as follows:

302.2(a) Swimming Pools. In addition to the requirements of this code, swimming pools and adjacent areas shall be maintained in accordance with Code No. 11-07, Ordinance Nos. 136 and 346.

s. Section 304.6.1 is inserted as follows:

304.6.1 Structural Safety. Every outside stair, cornice, parapet, overhang, porch, and every appurtenance attached to any of the foregoing, shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the Building Code, and shall be kept in sound condition and good repair.

t. Section 304.7(a) and (b) are inserted as follows:

304.7(a) Gutter Downspout Connection Prohibited. No person owning or occupying any property within the City of Grosse Pointe Farms shall be entitled to the issuance of a certificate of occupancy if such property has any gutter downspout connected with any portion of the combined or sanitary sewer system of the City of Grosse Pointe Farms, unless an exemption has been granted in accordance with subparagraph (b) of this section.

304.7(b) Exemptions. If the disconnection of any gutter downspout would create a hazardous condition or would result in undue hardship or potential damage to the applicable property or nearby properties, the owner or occupant may apply to the Director of Public Service for an exemption entitling such person to receive a certificate of occupancy notwithstanding the requirements of subparagraph (a) of this section. If granted, the exemption shall be in writing and shall set forth the

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reason(s) for such exemption. An exemption shall be granted only under one or more of the following circumstances:

- (1) disconnection would cause water to discharge onto a driveway, sidewalk, patio or similar area, thereby creating a hazardous condition;
- (2) disconnection would cause water to flow next to a basement wall and tend to create basement flooding;
- (3) disconnection would cause water to flow directly into an in-ground swimming pool;
- (4) disconnection would cause flooding due to low grade;
- (5) disconnection would cause water to discharge onto a neighbor's property; or
- (6) disconnection otherwise would be impracticable or would impose unusual hardship or practical difficulties upon the owner or occupant of the property or nearby properties.

u. Section 304.8.1 is inserted as follows:

304.8.1 Shutters and Other Appurtenances: When shutters and similar ornamental and nonornamental appurtenances constitute a design element of the structure, they shall be structurally sound, maintained in good repair and in an architecturally consistent manner.

v. Section 307.3.1 is modified to read as follows:

307.3.1 Garbage Disposal Facilities. See City of Grosse Pointe Farms Code No. 7-14.

w. Section 401.3 is modified to read as follows:



401.3 Alternative Devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Michigan Building Code shall be permitted.

x. Section 403.5.1 is inserted as follows:

403.5.1 Clothes Dryer Exhaust. An approved non-combustible dryer vent shall be used.

y. Section 505.1 is modified to read as follows:

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Michigan Plumbing Code.

z. Sections 508 and 508.1 are inserted as follows:

508 Cross Connection Control

508.1 Cross Connection Control. Approved cross connection and backflow protection devices shall be installed and maintained in accordance with City of Grosse Pointe Farms Code No. 8-07, Ordinance No. 368, and the Michigan Plumbing Code.

aa. Section 602.2 is modified to read as follows:

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Michigan Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

bb. Section 604.2 is modified to read as follows:

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Michigan Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 100 amperes.

cc. Sections 702.1, 702.2 and 702.3 are modified to read as follows:

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to a point of exit or egress to the public way.

702.2 Aisles. The required width of aisles in accordance with the Michigan Building Code shall be unobstructed for the full length of each aisle.

702.3 Locked doors. All means of egress doors shall be readily operable from the side from which egress is to be made, without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Michigan Building Code.

dd. Section 702.4.1 is inserted as follows:

702.4.1 Windows. A minimum of one (1) window in rooms used for sleeping shall be operable and maintained for emergency means of egress in accordance with Section 702.4.

ee. Section 704.1 is modified to read as follows:

704.1 General. All systems, devices and equipment to detect a fire or carbon monoxide, or to activate an alarm, or to suppress or control a fire, or any combination thereof, shall be maintained in an operable condition at all times.

ff. The last sentence of Section 704.2 is modified to read as follows:

Single or multiple station smoke and/or fire alarms shall be installed in all other use groups in accordance with the City of Grosse Pointe Farms Fire Prevention Code (Code No. 6-05), and the Michigan Building Code.

gg. Section 704.5 is inserted as follows:

704.5 Carbon Monoxide Detection. Every dwelling shall be equipped with an approved carbon monoxide detector installed and maintained in accordance with the manufacturer's recommended installation instructions.

hh. Section 704.6 is inserted as follows:

704.6 Fire Extinguisher. Every dwelling shall be equipped with an approved minimum 5-lb. ABC type fire extinguisher, and such extinguisher shall be located in or near the kitchen facilities in such dwelling.

ii. Sections 705, 705.1, 705.2, 705.3, 705.4 and 705.5 are inserted as follows:

705 CERTIFICATE OF OCCUPANCY; CONFORMANCE WITH MINIMUM STANDARDS

705.1 Certificate of Occupancy: It shall be unlawful for any person or persons hereafter to commence occupancy or for any owner or agent thereof to permit such person or persons to commence occupancy of any dwelling or structure or part thereof, for any purpose, unless a new Certificate of Occupancy has been issued by the Public Service Department with respect to such dwelling or structure. The Certificate of Occupancy shall state that the Public Service Department has inspected the dwelling or structure and that said Department has determined that the dwelling or structure may be occupied. The Certificate of Occupancy shall also bear this legend in capital letters or bold-face type:

“THE CERTIFICATE OF OCCUPANCY, THE INSPECTION CHECK LIST, THE INSPECTION REPORT, OR ANY OTHER DOCUMENTS ISSUED BY THE CITY OF GROSSE POINTE FARMS, DO NOT CONSTITUTE ANY REPRESENTATION OR WARRANTY AS TO THE CONDITIONS OF THE DWELLING OR OTHER STRUCTURES ON SAID PREMISES DESCRIBED THEREIN (OR ANY ASPECT OF SUCH CONDITION). INTERESTED PERSONS ARE ADVISED AND ENCOURAGED TO MAKE THEIR OWN

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INSPECTION OF THE PREMISES IN ORDER TO DETERMINE THE CONDITION THEREOF.”

Such new Certificate shall terminate upon any further change of occupancy and if there is not a change of occupancy after issuance of such new Certificate of Occupancy, it shall terminate two (2) years from the date of issuance.

**705.2 Application and Fee:** Application for a Certificate of Occupancy may be made by the owner, or his or her designated agent, of a dwelling upon a form provided by the Public Service Department and the payment of an inspection fee as established from time to time by resolution of the Council of the City of Grosse Pointe Farms.

**705.3 Inspection; Conformance with Minimum Standards:** Upon receipt of the application and fee, an Inspector shall inspect the owner’s dwelling within five (5) days and, if such dwelling is in conformance with the minimum standards set forth herein, a Certificate of Occupancy shall be issued immediately. If the dwelling is not in conformance with the minimum standards set forth herein, the Inspector shall issue an inspection check list giving notice of violations within three (3) working days following his or her inspection, and a Certificate of Occupancy shall not be issued until the violations listed on such inspection report have been corrected to the reasonable satisfaction of the Inspector. Such inspection report shall be valid only for a one-year period and thereafter, a new application and fee must be filed with and paid to the City requesting another inspection.

**705.4 Conditional Certificate of Occupancy:** In the event, for any reason, an owner or purchaser requests that a Certificate of Occupancy be issued prior to complete conformance with the minimum standards of this code and if the absence of complete conformance does not, in the judgment of the Inspector, constitute material health or safety hazards, a Conditional Certificate of Occupancy may be issued upon the condition that complete conformance be achieved within a reasonable time specified by the Inspector, but in not less than seven (7) days, and the owner’s or purchaser’s assurance that complete conformance will be achieved by deposit with the City of Grosse Pointe Farms of cash or bond acceptable to the City of Grosse Pointe Farms in an amount as determined by the Director of Public Service, but not less than Two Hundred Fifty Dollars (\$250.00) and not more than one hundred fifty percent (150%) of the estimated cost of remedying such defects. In the event of issuance of a Conditional Certificate of Occupancy, the owner or purchaser shall notify the Inspector, by or before the end of the time period specified by the Inspector for

achieving conformance, that said conformance has been achieved, and a Certificate of Occupancy shall be issued and the owner's or purchaser's bond returned if the Inspector is satisfied as to the owner's or purchaser's compliance. If the owner or purchaser fails to comply as agreed, the Public Service Department may use so much of the cash or bond as is necessary to instigate legal action to secure conformance or to undertake the specified work with return of any balance to the owner or purchaser. In the event that the amount of the cash or bond is not sufficient to cover the entire cost of conformance, then any additional cost hereunder shall be charged against the premises and the owner of said premises, and shall be collected as provided for special assessments in accordance with Ordinance No. 87 of the City of Grosse Pointe Farms.

705.5 Access for Repairs: Every occupant of a dwelling or structure shall give the owner or his or her authorized agent (which shall include the Public Service Department or its designees effecting repairs or alterations pursuant to cash or bond) access to the dwelling and any accessory building at any reasonable time for purposes of making such repairs or alterations as are necessary to insure compliance with this Ordinance and enable the issuance of a Certificate of Occupancy.

jj. Chapter 8 is inserted as follows:

#### Chapter 8

This chapter lists the standards that are referenced in various sections of this code. The standards are listed by the standard identification and title, and the section or sections of this code that reference the standard. The application of the referenced standards shall be as specified in Section 102.7

<u>Standard</u>	<u>Title</u>	<u>Section(s)</u>
MEC 03	Michigan Electrical Code	201.3, 604.2
MBC 03	Michigan Building Code	201.3, 302.7.1, 401.3, 702.3, 702.4
MMC 03	Michigan Mechanical Code	201.3
MPC 03	Michigan Plumbing Code	201.3, 505.1, 602.2, 602.3
GPF Code 6-05, Ord. 94	Fire Prevention	704.2
GPF Code 7-02, Ord. 104	Nuisance	302.10

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GPF Code 7-14, Ord. 132	Garbage Disposal	307.3.1
GPF Code 8-02, Ord. 102	Sidewalks	302.3
GPF Code 8-03, Ord. 69	Municipal Waste	302.1(b)
GPF Code 8-07, Ord. 368	Cross Connection	508.1
GPF Code 9-03, Ord. 182	Public Health	302.1(b)
GPF Code 11-07, Ord. 136	Swimming Pools	303.2(a)
GPF Code 11-07, Ord. 346	Swimming Pools	303.2(a)
GPF Code 12-03, Ord. 192	Zoning	302.1(b), 302.2(a)

**Section 5.** Each of Ordinance No. 207 (as previously amended by Ordinance Nos. 215, 224, 231, 329, 335 and 343) and Ordinance No. 297, is hereby repealed.

**Section 6.** This ordinance shall take effect ninety (90) days after its enactment or upon its publication, whichever is later.

Enacted: February 7, 2005

Technical Amendments, July 9, 2018, Ord. No. 392

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**CODE NO. 11-07 -- OUTDOOR SWIMMING POOLS ORDINANCE**

**Ordinance No. 136**

**AN ORDINANCE REGULATING THE CONSTRUCTION, MAINTENANCE AND USE OF PRIVATE SWIMMING POOLS AND PROVIDING PENALTIES AND REMEDIES FOR VIOLATION THEREOF.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** It is hereby determined that outdoor swimming pools endanger the public safety unless properly constructed.

**Section 2.** Definition: The term "swimming pool" as hereinafter used shall mean any structure or container, either above or below grade, whether temporary or permanent, designed to hold water to a depth of greater than eighteen (18) inches when filled to capacity, and intended to be used for the immersion of the human body, whether for swimming, wading, or use as a spa or jacuzzi, or any combination of such uses. Notwithstanding the preceding definition, no above-grade swimming pool shall be permitted in the City, except that spas or jacuzzis may be located above-grade in whole or in part if otherwise in compliance with all of the other terms and conditions set forth in this Ordinance.

**Section 3.** It shall be unlawful for any person to construct or maintain an outdoor swimming pool without first making application to the Director of Public Service and obtaining a permit therefor.

**Section 4.** Such application shall show the name of the owner, the location of the proposed swimming pool, information showing the size, depth and capacity of such swimming pool and shall be accompanied by a copy of the plans of the swimming pool, which plans are to remain on deposit with the Director of Public Service, and such application shall also provide such other information as is deemed necessary by the Director of Public Service for the protection of the public health and safety. There shall also be filed with the Director of Public Service a plot plan of the property showing the location of the swimming pool thereon and full information as to the type, height and location of the fence surrounding such swimming pool and the number of gates therein. Such plot shall also remain on deposit with the Director of Public Service.

**Section 5.** All swimming pools shall be completely enclosed by a substantial wall or fence of not less than four (4) feet in height. All openings in such walls or fences shall be equipped with gates having self-latching, self-closing devices with the latch on the inside of the gate so that it is

not readily accessible for children to operate. All existing swimming pools shall be enclosed by a fence or a wall as herein required within ninety (90) days after the effective date of this Ordinance.

**Section 6.** No electrical service conductors or other overhead wires shall be located above any swimming pool. All swimming pools having a side wall of three (3) feet or more in depth shall have one (1) permanent ladder by which exit from the pool may be made. Lights used to illuminate any swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.

**Section 7.** No swimming pool shall be constructed in a front yard or in or over an easement. No above-grade swimming pool shall be permitted in the City. Notwithstanding the preceding sentence, an outdoor spa or jacuzzi may be located above-grade in whole or in part to the extent that such spa or jacuzzi is attached to or otherwise physically integrated with a principal residential structure (including any patio or deck attached thereto) and screened from public view by landscaping, fencing or other means approved by the Director of Public Service.

**Section 8.** There shall be no direct cross-connection with the City water supply and the water supply for the pool. There shall be provided an air-gap delivering connection at least six (6) inches above the flood rim of the pool or make-up tank.

**Section 9.** An appeal to the Council may be taken from any action of the administrative officers of the City denying a permit for a swimming pool. Appeals must be in writing and filed within ten (10) days after the decision appealed from is mailed or otherwise communicated to the appellant. The Council may upon appeal reverse, modify or affirm the action of the administrative officers. The council may also, upon any such appeal, and in its discretion, reduce or modify the requirements of this Ordinance in individual cases, where it determines that such action will not impair the general effect and intent of this Ordinance, and (a) where there are practical difficulties or unnecessary hardships, in complying with the provisions of this Ordinance, or (b) when such modification will not jeopardize the public health, safety and general welfare.

**Section 10.** A person violating any of the terms or provisions of this Ordinance shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both in the discretion of the court. Each act of violation and every day upon which violation shall occur shall constitute a separate offense.

**Section 11.** Any swimming pool constructed, operated or maintained in violation of any provision of this Ordinance shall constitute a nuisance, and the City may, in addition to the penalties hereinbefore set forth, maintain any proper action for the abatement of such nuisance.



**Section 12.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance will not be affected thereby.

**Section 13.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: February 16, 1959

Section 2 and Section 7 Amended October 18, 1999, Ord. No. 346  
Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_11-07.OUTDOOR\_SWIM\_POOLS

**CODE NO. 11-08 -- MUNICIPAL PARKING LOT ORDINANCE**

**Ordinance No. 191**

**AN ORDINANCE TO CONTROL THE USE OF MUNICIPAL PARKING LOTS**

The City of Grosse Pointe Farms Ordains:

**Section 1.** Any persons using a municipal parking lot shall park between the striped lines where provided and in such a manner as to accommodate the maximum number of vehicles in such lot. No person shall park, stand or stop a vehicle in any place or in any manner where prohibited by official signs in a municipal parking lot.

**Section 2.** The City Manager is hereby authorized to negotiate leases of spaces in the City's municipal parking lots, which leases shall be subject to the approval of the City Council. In the instance that the City has entered into a lease of all or a portion of a municipal lot, no person other than the lessee shall be permitted to park in the leased spaces during the period such lease is effective. The City Manager will provide posted notices indicating the parking spaces which have been leased and the periods during which such lease is effective.

**Section 3.** Vehicles properly using such leased spaces shall display a valid and permanently affixed identifying emblem in a location as established by the Director of Public Safety or his or her designated representative, which emblem shall be issued by the City Manager or his or her designated representative.

**Section 4.** Vehicles using municipal parking lots shall at all times properly comply with the traffic control signs, signals, lane markings and other devices installed under the authority of the Director of Public Safety or his or her designated representative.

**Section 5.** No person shall park a motor vehicle in a public lot for a continuous, uninterrupted period of more than twenty-four (24) hours, without prior approval of the Director of Public Safety or his or her designated representative, nor may any person park a motor vehicle not displaying valid registration plates in a public lot at any time, nor may any person park a trailer or mobile home in a public lot without the permission of the Director of Public Safety or his or her designated representative.

**Section 6.** Persons using a municipal parking lot shall at all times observe all of the provisions of the City's Ordinance No. 190 which is "An Ordinance to Control the Normal Use of Parking Lots."

**Section 7.** Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to not more than ninety (90) days in jail and/or a fine of not more than Five Hundred Dollars (\$500.00). The municipal judge for the City is hereby authorized to establish a schedule of fines for violations of this Ordinance, which fines shall be payable at the City's Violation Bureau. Also, the Director of Public Safety or his or her designated representative is hereby authorized to tow away and impound any vehicles violating the provisions of this Ordinance and all costs incurred by the Public Safety Department will be the expense of the registered owner of the vehicle.

**Section 8.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby expressly repealed only to the extent necessary to give effect to the provisions hereof.

**Section 9.** This Ordinance shall take effect immediately.

Enacted: January 15, 1973

Technical Amendments, July 9, 2018, Ord. No.392

WP0:[WPWTB.04439.0001]ORD\_COD\_11-08.PARKING\_LOT\_191

**CODE NO. 11-08 -- PARKING LOTS ORDINANCE**

**Ordinance No. 190**

**AN ORDINANCE TO CONTROL THE NORMAL USE OF PARKING LOTS**

The City of Grosse Pointe Farms Ordains:

**Section 1.** No person shall congregate with others on the premises of any parking lot so as to interfere with the normal flow of traffic or to interfere with the normal and intended use of said parking lot.

**Section 2.** No person shall drive a motor vehicle onto any parking lot and through and out of said lot without lawfully parking such motor vehicle unless there is no unoccupied parking space available on said lot.

**Section 3.** No owner, lessee, or operator of any parking lot shall operate a loud speaker in connection therewith. No owner, lessee, or operator of a parking lot or any other person shall make or permit to be made, any loud noise thereon such as, but not limited to, racing engines, squealing tires, blowing horns or playing radios in such a manner as to disturb the neighborhood.

**Section 4.** No person shall consume any wine, beer or other intoxicating liquor or any food or other beverage on the premises of any parking lot. No owner, lessee or operator of any parking lot or any other person shall consume or permit others to consume any wine, beer or other intoxicating liquor or any food or other beverage on the premises of any parking lot.

**Section 5.** Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to not more than ninety (90) days in jail and/or a fine of not more than Five Hundred Dollars (\$500.00).

**Section 6.** If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this Ordinance.

**Section 7.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: October 16, 1972

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_11-08.PARKING\_LOT\_190

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**CODE NO. 11-08 -- PARKING LOT ORDINANCE**

**Ordinance No. 171**

**AN ORDINANCE TO LICENSE AND REGULATE THE OPERATION AND MAINTENANCE OF AUTOMOBILE PARKING LOTS IN THE CITY OF GROSSE POINTE FARMS, MICHIGAN.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** Whenever used in this Ordinance, the following terms shall mean and include:

"Parking Lot" shall mean any outdoor space or uncovered plot, piece or parcel of land, or any portion thereof, together with appurtenances, where ten (10) or more motor vehicles may be parked, stored or kept.

"Motor Vehicle" shall mean any licensed automobile, truck, motor scooter, motorcycle or other vehicle.

"Person" shall mean and include any person, firm, partnership, limited partnership, corporation, company, limited liability company, limited liability partnership, legal entity or organization of any kind and their agents and employees.

**Section 2.** It shall be unlawful for any person to establish, lay out, operate or use a parking lot in the City of Grosse Pointe Farms contrary to the provisions of this Ordinance, and without first having obtained a license therefore as required by the provisions of this Ordinance.

**Section 3.** Applications for licenses required by this Ordinance shall be made upon forms provided by the City Clerk, shall be signed and verified under oath by the applicant, if an individual, or by the authorized agent for any partnership, limited partnership, corporation, limited liability company, limited liability partnership, association or other legal entity and shall set forth the following:

1. If an individual, the name and address of the individual.
2. If a partnership, limited partnership or limited liability partnership, the name, residence and business address of each general partner and (if applicable) limited partner.
3. If a corporation or limited liability company, the name, date and state under whose laws such corporation or limited liability company was organized, and if a foreign

corporation or foreign limited liability company, whether authorized to do business in the State of Michigan; the names of the principal officers, directors, members, managers, and local representatives, their residences and business addresses.

4. A plot plan or drawing of said parking lot showing the location, size, capacity, location and size of entrance and exit, kind of surface, drainage facilities.
5. And such other information which the City Clerk may deem necessary in connection with the processing of the application.
6. If the applicant is not the owner of the premises, the applicant shall provide evidence of his or her interest therein, and the name and address of the owner of record thereof.

**Section 4.** All parking lots within the City of Grosse Pointe Farms shall be designed and constructed in accordance with the provisions of the City's Zoning Ordinance.

**Section 5.** All existing parking lots in the City shall be required to comply with the provisions of this Ordinance within ninety (90) days from the effective date of this Ordinance.

**Section 6.** Upon receipt of the application with accompanying documents, the City Clerk shall refer the same to the Public Service Department which shall examine and inspect or cause to be examined and inspected, the plans, specifications, plot plan and premises covered by the application, and shall make a written report to the City Clerk, who shall thereupon refer the entire matter to the City Council for its action.

**Section 7.** The application, attendant documents and the Public Service Department's report shall be referred to the City Council by the City Clerk, and upon consideration thereof, if the Council shall determine that the provisions of the Ordinance have been complied with or will be complied with, the Council shall direct the City Clerk to issue the license, subject to such proper and reasonable conditions which the City Council may impose. If the application is rejected by the City Council, the applicant shall be notified to that effect, and shall be given an opportunity to be heard by the City Council either in person or through a representative, and present such evidence pertinent to the application, after which the Council shall take final action upon the application.

**Section 8.** It shall be the duty of the licensee to properly maintain the parking lot, including the green belt, barriers, entrances, exits, surfacing and drainage, in a state of good repair and condition at all times while operating or permitting the use thereof. The parking lot shall be swept at frequent intervals and all dirt, debris, and waste materials promptly removed therefrom.

**Section 9.** It shall be unlawful to permit or allow any motor vehicle to be parked, stored or kept in or upon any licensed parking lot for a continuous and uninterrupted period of more than

twenty-four (24) hours at any one time, it being the intent of the provisions hereof to prohibit the use of any such parking lot for the unlimited storage or parking of motor vehicles.

**Section 10.** All licenses issued hereunder shall expire on June 30th following the issuance thereof, unless sooner revoked or suspended.

**Section 11.** An annual fee in such amount as may be established by the City Council from time to time shall be paid for any license or renewal thereof issued hereunder.

**Section 12.** Renewal of licenses shall be applied for and processed in the same manner as hereinbefore provided for the original application and issuance of the original license, provided that plans, specifications and other documents need not be re-filed so long as the original application remains on file in the office of the City Clerk, unless any substantial changes in plans and specifications previously filed with the City Clerk are proposed, in which event updated plans and specifications must be filed prior to renewal of the applicable license.

**Section 13.** The City Council, acting upon a written complaint against any licensee, and after due notice to the licensee of the nature of the complaint and a hearing before the City Council, at which the licensee shall be given the opportunity to defend himself or herself, may revoke or suspend the license of the operator complained of upon satisfactory proof of the existence of the matters set forth in the complaint. Such determination, with the reasons for the City Council's conclusions, shall be in writing and shall be served upon the licensee complained of.

**Section 14.** All parking lots licensed under the provisions of this Ordinance shall be inspected from time to time by the City Manager or his or her duly designated representative. Any failure of licensee to comply with the provisions of this Ordinance shall be reported in writing to the licensee for remedy or correction. Failure to comply with the violations thereof may be the basis for the filing of a complaint for the revocation or suspension of the license.

**Section 15.** Any person violating or assisting in the violation of the provisions hereof shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the City or County Jail for a term not exceeding ninety (90) days, or both such fine and imprisonment may be imposed in the discretion of the court. For each day that a violation of this Ordinance is permitted to exist, the same shall constitute a separate and distinct offense, and shall be so punishable.

**Section 16.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby expressly repealed only to the extent necessary to give effect to the provisions hereof.



**Section 17.** This Ordinance shall take effect immediately.

Enacted: July 1, 1968

Technical Amendments, July 9, 2018, Ord. No. 392

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CODE NO. 11-09 -- SIGN ORDINANCE

Ordinance No. 193

AN ORDINANCE TO REGULATE SIGNS.

The City of Grosse Pointe Farms Ordains:

**Section 1. Definitions.** The following definitions shall apply in the interpretation of this Ordinance.

(1) "Sign" shall mean any device, panel, banner or structure constructed or maintained with words, numbers or characters thereon for the purpose of advertisement, announcement, or giving information, but shall not include a residence numbering sign.

(2) "Display Area" shall mean that area that is bounded by a series of curved or straight lines that are the outer boundaries of the sign.

**Section 2. Permit Required.** It shall be unlawful for any person to erect, alter, relocate, re-assemble or post any sign governed by the provisions of this Ordinance within the City without first having obtained a permit therefor from the City. Signs permitted pursuant to subsection (2) of Section 8 shall not require a permit.

**Section 3. Application for Permit.** An application for a permit shall be made on a form prescribed by the City, and shall contain among other things the name and address of the applicant, the type of sign and the proposed location, the name of the person who will erect or hang the sign, the written consent of the owner or lessee of the property on which any sign is to be located, and a plan or sketch of the sign, showing the dimensions, plans and specifications of the material to be used in its construction. If the sign is to be electrically illuminated, the name of the electrician who is to connect the wiring to the supply line must be specified, his or her license shown and the sign shall have an approved underwriter's laboratory label number, together with an electrical permit number. Electrical clocks, thermometers or similar devices shall, for the purpose of this Ordinance, be deemed to be signs. Application for permits to erect signs in which plastic materials are to be employed shall set forth the manufacturer's trade name for, and the common name of, the plastic material to be used, and shall certify either that the plastic material is non-combustible or that the plastic material has been tested by a recognized testing laboratory and rated as an "approved non-combustible plastic." If plastics are employed in any part of a sign, the finished plastic unit shall be identified with the manufacturer's trade name for the plastic material or with the common name of the plastic material, if any.

**Section 4. Issuance of Permit.** The application for permit, together with all plans and specifications in connection therewith, shall be approved by the Director of Public Service, and such approval shall not be given unless and until such application shall comply with all of the provisions of this Ordinance. If such application complies with this Ordinance, a permit to erect, alter, relocate, re-assemble or post the sign shall be issued. Any sign which has been erected for a particular purpose shall not have its use changed without first making a new application and having a permit issued therefor.

**Section 5. Permit Fee.** A permit fee to be determined from time to time by resolution of the City Council for each sign to be erected shall be paid at the time application therefor is filed, except as to signs hereinafter specifically designated otherwise.

**Section 6. Unsafe Signs; Dilapidated Signs.** All signs shall be securely and adequately fastened and anchored. Single strand wires, wood plugs or other structurally unsafe materials are prohibited in the erection or maintenance of any sign. All signs shall be properly maintained, and any sign that falls into disrepair (in whole or in part) or, due to age, wear or neglect, becomes (in whole or in part) dilapidated or decayed, shall be repaired or removed.

**Section 7. Unlawful Location of Sign.** It shall be unlawful for any sign to be erected in any location where, by reason of traffic conditions, fire or other hazard, it would imperil public safety or interfere with the duties of the police or fire divisions of the Public Safety Department.

**Section 8. Signs in Residential and in Community Service and Recreation Districts.** In residential districts and in community service and community recreation districts, identification and announcement signs are permitted as follows:

(1) For principal uses other than residences:

(a) one permanent identification sign and one bulletin or announcement board, each not to exceed thirty-two (32) square feet in area and not to exceed six (6) feet in overall height;

(b) in connection with the occurrence of any upcoming event or community activity, and upon receipt of a permit issued by the Director of Public Service (application for which shall be made on a form prescribed by the City), one (or more, if permitted by the Director of Public Service for good cause shown) temporary announcement sign not to

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exceed twenty-four (24) square feet in area and not to exceed four (4) feet in overall height, and such sign(s) shall not be maintained for a duration of more than seven (7) days;

(c) no sign or bulletin or announcement board permitted herein shall contain any visible moving parts or be illuminated by other than continuous indirect white light.

(2) For principal uses that are residential:

(a) one permanent sign identifying a security or alarm provider, not to exceed one (1) square foot in area, located within five (5) feet of the principal residential structure, and with a maximum height (measured to the top of the sign) not greater than two (2) feet above grade level;

(b) one temporary "For Sale," "For Rent" or "General Contractors" sign, not to exceed six (6) square feet in area, advertising only the premises on which erected, and not to be maintained on the premises more than five (5) days after the property has been sold, rented or the construction completed;

(c) temporary political signs (pertaining to a candidate or other matter(s) to be considered by the voters at an upcoming election) not to exceed six (6) square feet in area. Political signs shall not be maintained on the premises later than five (5) days after the date of the election for which the signs are erected. The owner or resident of the property on which the sign is erected shall be responsible for the removal of such signs;

(d) one temporary sign, not to exceed six (6) square feet in area, promoting or advertising a for-profit event, product or service, or relating to any commercial activity, such sign not to be maintained on the premises for a duration greater than thirty (30) consecutive days;

(e) additional signage (i.e., in addition to signs permitted under subsections (2)(a), (2)(b), (2)(c) or (2)(d) above) that, in each instance, is non-duplicative with other signs on the premises and does not exceed six (6) square feet in area;

(f) any sign permitted under subsections (2)(b), (2)(c), (2)(d) and (2)(e) herein, (i) shall have a maximum height (measured to the top of the sign) not greater than four (4) feet above grade level, (ii) shall be located at least three (3) feet away from the nearest point of any public sidewalk or other public right of way (unless the Director of Public Service, for good cause attributable to the location of a wall, fence, hedge or other obstruction or impediment, has approved

a different location), and (iii) shall be located in a manner so as not to interfere with necessary sight lines that could imperil vehicular traffic or cyclists properly utilizing nearby public rights of way;

(g) for any sign permitted under subsections (2)(b),(2)(c), (2)(d) and (2)(e) herein, the support base or support post(s) on which such sign is mounted shall not count against the maximum area of such sign, provided that the support base or support post(s) must be of a customary and unobtrusive nature, not contain any letters, numbers or symbols, and (in the case of temporary signs that are subject to removal) must be removed at the same time the sign is removed;

(h) no sign permitted under subsections (2)(a) through (2)(e) herein shall contain any visible moving parts or be illuminated in any manner, and Sections 2 through 5 of this Ordinance are not applicable to such signs.

**Section 9. Signs in Business, Office and Commercial Districts.** (a) In local business, commercial and office districts, identification and business signs are permitted as follows:

(1) Any sign permitted in residential districts.

(2) One or more attached signs pertaining to the use of the premises on which they are placed, conforming to the following requirements and restrictions:

(i) Except as permitted under subparagraph (ii) below, the total number of attached signs shall be limited to not more than two (2) per building and such signs may be placed only on the front of the building facing the street or front lot line.

(ii) For any corner building that adjoins more than one street or any building containing a side or rear façade adjoining a public alley or parking facility, one (1) additional sign shall be permitted on either the side or rear façade (provided that signs shall not be placed on any building façade directly adjacent to a district zoned for residential use).

(iii) The aggregate display area for any building face, however allocated among sign types (flat wall, projecting, freestanding, awning, etc.) shall not exceed one square foot of display area for each lineal foot of building face, provided that no

individual sign shall exceed any of the following dimensions: (A) height: five (5) feet; (B) width or length: seventy-five percent (75%) of the lineal frontage of the building face; and (C) total display area: thirty-five (35) square feet.

(iv) For buildings containing multiple tenants or occupants, signs identifying any tenants or occupants of a space not adjoining the building face at ground level (i.e., on a basement level, upper story or interior space not sharing the building face) shall be limited to a directory sign or wall sign (having a maximum display area of two (2) square feet) located near the first floor entry unless otherwise approved by the City Council.

(v) Projecting signs shall have no more than two (2) sides and shall have a maximum display area per side of ten (10) square feet for building faces having a frontage equal to or less than twenty (20) lineal feet and fifteen (15) square feet for building faces having a frontage more than twenty (20) lineal feet. Not more than one (1) projecting sign shall be permitted per twenty (20) lineal feet of building face. Projecting signs shall extend not more than four (4) feet from the building façade, shall not extend over any public street or alley, shall have a minimum clearance of eight and one-half (8-1/2) feet above any public sidewalk and shall not extend more than twelve (12) feet above average grade level at the building face. Projecting signs shall be located at least fifteen (15) feet away from the nearest location of any other existing projecting sign. Prior to installation of any projecting sign, the applicant shall execute and deliver to the City a hold harmless agreement and shall provide evidence of insurance coverage satisfactory to the City.

(vi) Awnings and canopies shall be made with cloth, canvas or textured vinyl, and may not be covered with metal or hard plastic materials. Striped awnings or canopies, quarter-round awnings or canopies, or barrel-shaped awnings or canopies shall not be permitted. No advertising message or logo shall be permitted on the face of any awning or canopy. The valance (display area) of an awning or canopy may contain advertising material, provided that such advertising material shall not exceed one-third (1/3) of the surface of the valance. Letters, numbers or other symbols on the

valance shall be limited in height to eight (8) inches. No awning or canopy shall be backlit with artificial lighting. The location of any awning or canopy shall conform with the requirements of the Zoning Ordinance and all other applicable ordinances.

(vii) Signs in a business, commercial or office district shall be used for identification purposes only for a business in actual occupancy of the applicable building (and for such purpose may incorporate a firm's name, logo and description of business or service).

(viii) Any sign (including an awning or canopy) in a business, commercial or office district shall be constructed of such materials and be of such colors that are in harmony with the architectural and design characteristics of the building to which it is to be attached and the general design characteristics of the applicable business, commercial or office district.

(3) Monument signs having no more than two (2) sides, a maximum display area per side of twenty-five (25) square feet, a total maximum height (measured from the normal grade line at the base of the sign) of forty-two (42) inches, and located at least ten (10) feet from the nearest property line.

(4) Any other sign approved by the City Council upon a determination that such sign is in harmony with the architectural and design characteristics of the building to which it is to be attached and the general design characteristics of the applicable business, commercial or office district.

(b) Notwithstanding the provisions of subsection (a) above, in a local business, commercial or office district:

(i) Address numbers shall be limited to a maximum of eight (8) inches in vertical dimension.

(ii) No sign shall be erected upon a roof or shall project over any walk, street or other passage open to public travel, provided, however, that the foregoing shall not forbid (A) a sign or lettering constructed on the wall of a building, parallel thereto, and projecting therefrom, a uniform distance of not more than twelve

(12) inches, or (B) a projecting sign conforming with the requirements of subsection (a)(2)(v) above.

(iii) No sign shall contain any visible moving parts and no sign shall be illuminated by other than continuous indirect white light or "halo" light in accordance with Section 13 of this Ordinance. Neon signs are permitted within the interior of windows provided that such signs may not exceed four (4) square feet in display area.

(iv) No sign, decal or banner shall be permitted to be affixed on the inside, outside or within three (3) feet of any glass window or any similar transparent window if the sign, decal or banner occupies more than ten percent (10%) of the total area of the window or if, when considered with other signs, decals or banners in connection with the window, the total area of the several signs, decals or banners exceeds ten percent (10%) of the total window area.

**Section 10. Signs in Parking Districts.** In parking districts, signs shall be permitted at each point of ingress and egress to a parking lot to indicate the operator, parking rates and directions of movement. Such signs shall not exceed fifteen (15) square feet in area, shall not extend more than ten (10) feet in height above grade, and shall be entirely on the parking lot. Further, signs of limited size advertising the uses being served by such parking areas may be erected in parking districts.

**Section 11. Appeals.** An appeal to the City Council may be taken seeking a modification of the requirements of Sections 8, 9 or 10 of this Ordinance or a reversal of any action of the administrative officers of the City denying a permit for a sign. Appeals must be in writing and must be filed within ten (10) days after the decision appealed from is mailed or otherwise communicated to the applicant by the City. The City Council may upon such appeal reverse, modify or affirm the action of the administrative officers, or may, in its discretion, reduce or modify the requirements of this Ordinance in individual cases, where it determines that such action will not impair the general effect and intent of this Ordinance, (a) in any situation of unusual practical difficulty or unnecessary hardship, or (b) in the general interest of the public safety, comfort, convenience, or the protection of property values.

**Section 12. Illegal Signs, Nuisance.** Any sign or billboard maintained contrary to the provisions of this Ordinance shall be thereupon deemed to create a public nuisance and shall be subject to removal by appropriate action to abate nuisance.



**Section 13. Illuminated Signs, Hours.** Illumination of all outdoor lighted advertising signs shall be terminated and discontinued each night between the hours of twelve (12) o'clock midnight and sunrise the following morning, unless the place of business where such signs are located is open during such hours for business and such signs are adequately shielded against all premises used for residential purposes. There shall be no flashing, or intermittent, or red or green illumination on any sign located in the same line of vision as a traffic control system, nor interfere with vision clearance along any highway, street or road, or at any intersection of two or more streets. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom being cast upon residences and shall be located not less than fifty (50) feet from a residential district.

**Section 14. Violations.** Any person violating any provision of this Ordinance shall upon conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the court. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

**Section 15. Severability.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 16. Effective Date.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: July 16, 1973

Section 8 Amended November 10, 1980, Ord. No. 245

Section 11 Added September 11, 1989, Ord. No. 300

Section 9 Amended, May 14, 2001, Ord. No. 357

Section 6 and Section 8 Amended, December 4, 2017, Ord. No. 391

Technical Amendments, July 9, 2018, Ord. No. 392

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**CODE NO. 11-10 -- PROPERTY MAINTENANCE CODE**

ORDINANCE NO. 207

**AN ORDINANCE TO REGULATE THE MAINTENANCE OF RESIDENTIAL PROPERTIES IN THE CITY OF GROSSE POINTE FARMS.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Adoption of Code by Reference.** Pursuant to the provisions of Section 3(k) of Act 279 of 1909, State of Michigan, as amended, The Building Officials & Code Administrators International, Inc., Basic Housing-Property Maintenance Code (hereinafter referred to as the BOCA Basic Housing-Property Maintenance Code/1975, third edition), is hereby found and declared to be an acceptable code for that purpose and is hereby adopted by reference as in this ordinance modified, for the purpose of protecting the public health, safety and welfare in buildings in the City of Grosse Pointe Farms and on the premises hereinafter provided by:

1. Establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and cooling and sanitation; for safety from fire; for safe use and location; and for safe and sanitary maintenance; for cooking equipment in all structures now in existence;
2. Fixing the responsibilities of owners, operators and occupants of all structures;
3. Providing for administration, enforcement and penalties.

**Section 2. Code on File.** Complete printed copies of the BOCA Basic Housing-Property Maintenance Code/1975, third edition, herein adopted, are available for public use and inspection at the Office of the City Clerk.

**Section 3. References in Code.** References in the BOCA Basic Housing-Property Maintenance Code/1975, third edition, shall be read as referring to the City of Grosse Pointe Farms.

All references therein to the "municipality" and to any and all of the personnel, bureaus and/or subdivisions of said Building Department shall be read as referring to the Chief Enforcement Officer of the City of Grosse Pointe Farms and such representative(s) as he may

expressly designate. All references therein to the legal representative of the municipality shall be read as referring to the City Attorney of the City of Grosse Pointe Farms.

**Section 4. Changes in Code.** The following sections and sub-sections of the BOCA Basic Housing-Property Maintenance Code/1975, third edition, are hereby amended or deleted as set forth and additional sections and sub-sections are added as indicated. (Subsequent section numbers used in this Ordinance shall refer to the like numbered sections of the BOCA Basic Housing-Property Maintenance Code/1975, third edition.)

Section H-104.4 is modified to read as follows:

H-104.4 Penalty for Violations: Any person violating any provision of this ordinance shall upon conviction be subject to a fine of not more than \$500.00 or imprisonment for not more than ninety days, or both, in the discretion of the court. Every day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Section H-105.0 is modified to read as follows:

H-105.1 General: Any owner or person who is aggrieved with the ruling or decision of the enforcing officer in any matter relative to the interpretation or enforcement of any of the provisions of this Ordinance may appeal the decision or interpretation.

H-105.2 Filing: This appeal must be filed with the Public Service Director in writing, within fourteen (14) days of the date of the rendition of the decision or interpretation. Also, at the time of filing, a fee shall be paid in an amount as set from time to time by the Council.

H-105.3 Decision: The City Council shall act as an appeal board and shall have the duty, responsibility and authority to decide the matters referred to them.

Section H-201.0 is modified as follows:

The following definitions are deleted from Section H-201.0: Dwelling, Family, Hotel, Motel, Rooming House, Rooming Unit and the asterisk material at the end of such section. For the definition of Dwelling and Family to be used as a part of this Ordinance, see the City of Grosse Pointe Farms Zoning Ordinance. If there is any conflict between a definition in this ordinance and a definition in the City's Zoning Ordinance, the definition in such Zoning Ordinance shall control.

Section H-301.8 is added to the Code to read as follows:

H-301.8 Sidewalk and Driveway Maintenance: Sidewalks on public rights-of-way shall be maintained in accordance with Grosse Pointe Farms Ordinance No. 102. All other sidewalks and driveway approaches in public rights-of-way shall be maintained in a manner that prevents them from failing into a state of disrepair or becoming unsafe.

H-301.9 Fences: All fences shall be maintained structurally sound and in good repair.

Section H-301.10 is added to the Code to read as follows:

H-301.10 (a) Gutter Downspout Connection Prohibited. No person owning or occupying any property within the City of Grosse Pointe Farms shall be entitled to the issuance of a certificate of occupancy if such property has any gutter downspout connected with the combined or sanitary sewer system of the City of Grosse Pointe Farms, unless an exemption has been granted in accordance with subparagraph (b) of this Section H-301.10. With respect to residential properties, all existing direct connections of any gutter downspout with the combined or sanitary sewer system of the City of Grosse Pointe Farms must be eliminated as soon as reasonably practicable after the date of this Ordinance, and in no event later than September 30, 1999. No new downspout connections shall be permitted to connect to the combined or sanitary sewer system from and after the effective date of this Ordinance, but may be properly connected to the storm sewer system where available.

(b) Exemptions. If the disconnection of any gutter downspout would create a hazardous condition or would result in undue hardship or potential damage to the applicable property or nearby properties, the owner or occupant may apply to the Director of Public Service for an exemption entitling such person to receive a certificate of occupancy notwithstanding the requirements of subparagraph (a) of this Section H-301.10. If granted, the exemption shall be in writing and shall set forth the reason(s) for such exemption. An exemption shall be granted only under one or more of the following circumstances:

(1) disconnection would cause water to discharge onto a driveway, sidewalk, patio or similar area, thereby creating a hazardous condition;

- (2) disconnection would cause water to flow next to a basement wall and tend to create basement flooding;
- (3) disconnection would cause water to flow directly into an in-ground swimming pool;
- (4) disconnection would cause a flooding problem because of low grade;
- (5) disconnection would cause water to discharge onto a neighbor's property; or
- (6) disconnection otherwise would be impracticable or would impose unusual hardship or practical difficulties upon the owner or occupant of the property or nearby properties.

(c) Appeals. An appeal to the City Council may be taken from any action of the administrative officers of the City denying a certificate of occupancy or exemption under subparagraphs (a) or (b) of this Section H-301.10. Appeals must be in writing and must be filed with the City Clerk within ten (10) days after the decision appealed from is mailed or otherwise communicated to the appellant. The City Council, in considering any such appeal, may affirm, reverse or modify the action of the administrative officers.

Section H-302.4 is modified to read as follows:

H-302.4 Exterior Walls: Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration. None of the exterior painted facades or surfaces of a building shall contain areas of flaking or peeling paint in an amount in excess of five percent (5%) of the entire painted surface area of such facade or surface.

Section H-302.6.1 is modified to read as follows:

H-302.6.1 Structural Safety: Every outside stair, cornice, parapet, over very porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code and shall be kept in sound condition and good repair.

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Section H-302.6.2 is modified to read as follows:

H-302.6.2 Handrails: Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

Section H-302.7.3 is modified to read as follows:

H-302.7.3 Windows: Windows need not open if the room is provided with adequate ventilation through air conditioning or other appropriate means.

Section H-302.8 is modified to read as follows:

H-302.8 Exit Doors: Every door available as an exit shall be capable of being easily opened from the inside to allow egress from the structure.

Section H-302.9 is modified to read as follows:

H-302.9 Screening: Where windows are used for natural ventilation, guards and screens shall be supplied for protection against rodents and insects.

Section H-303.8 is modified to read as follows:

H-303.8 Interior Walls, Ceilings and Floors: All interior walls, ceilings and floors shall be structurally sound, in good repair, free from defects, and otherwise maintained in a safe condition.

Section H-303.9 is added to the Code to read as follows:

H-303.9 Smoke Detectors: A minimum of one approved single-station or multiple-station smoke detector shall be installed on every story (including the basement, if applicable) of a dwelling unit. In dwelling units with split levels and without an intervening door between the adjacent levels, but provided that the lower level is less than one full story below the upper level, the requirement of the preceding sentence shall be deemed satisfied by the installation of at least one smoke detector on the upper level. On any story or level containing a sleeping area, the smoke detector(s) shall be located in close proximity to such sleeping area. If any story or level contains more than one separate sleeping area, at least one smoke detector shall be required for each separate sleeping area. For purposes of the foregoing requirement, bedrooms or sleeping rooms separated by other use areas such as kitchens or living rooms (but not merely hallways or bathrooms) shall be considered separate sleeping areas.

Each smoke detector required under this Section shall, when actuated, provide an alarm suitable to warn occupants within the applicable sleeping area or on the applicable story or level of the dwelling unit. The power source for each smoke detector shall be either an AC primary power source or a monitored battery primary power source. A Certificate of Occupancy shall not be issued for any dwelling unit until such dwelling unit is in compliance with this Section. Any person that tampers or interferes with the effectiveness of a smoke detector shall be in violation of this Code.

Section H-400.6 is modified to read as follows:

H-400.6 Garbage Disposal Facilities: See the City of Grosse Pointe Farms Ordinance No. 132 (Code No. 7-14).

Section H-401.6 is modified to read as follows:

H-401.6 Electrical Outlets and Fixtures: Every electrical outlet and fixture, as required in Section H-403.0, shall be installed, maintained and connected to the source of electric power in accordance with the provisions of the electrical code of the municipality.

Section H-403.2 is modified to read as follows:

H-403.2 Natural Light in Habitable Rooms: Every bedroom shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every bedroom shall be ten (10) percent of the floor area of such room. Whenever walls or other portions of a structure face a window of any bedroom and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the bedroom, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the bedroom.

Section H-403.3 is modified to read as follows:

H-403.3 Light in Non-Habitable Work Space: Every laundry, furnace room, and all similar non-habitable work spaces located in a building or structure shall have at least one (1) supplied electric light fixture available at all times.

Section H-403.4 is modified to read as follows:

H-403.4 Light in Common Halls and Stairways. Every common hall and inside stairway in every building shall be adequately lighted.

Section H-403.8.1 is modified to read as follows:

H-403.8.1 Cooking Facilities. Cooking shall not be permitted in any sleeping room in any dwelling or dwelling unit, and cooking facility or appliance shall not be permitted in any sleeping room.

Section H-403.6 is modified to read as follows:

H-403.6 Adequate Ventilation. Every room shall have adequate ventilation or circulation as provided by natural or artificial means.

Section H-405.0 is added to the Code and will read as follows:

Section H-405.0 **CERTIFICATE OF OCCUPANCY;  
CONFORMANCE WITH MINIMUM STANDARDS**

Section H-405.1 Certificate of Occupancy: It shall be unlawful for any person or persons hereafter to commence occupancy or for any owner or agent thereof to permit such person or persons to commence occupancy of any dwelling or structure or part thereof, for any purpose, unless a new Certificate of Occupancy has been issued by the Public Service Department with respect to such dwelling or structure. The Certificate of Occupancy shall state that the Public Service Department has inspected the dwelling or structure and that said Department has determined that the dwelling or structure may be occupied. The Certificate of Occupancy shall also bear this legend in capital letters or bold-face type:

“THE CERTIFICATE OF OCCUPANCY, THE INSPECTION CHECK LIST, THE INSPECTION REPORT, OR ANY OTHER DOCUMENTS ISSUED BY THE CITY OF GROSSE POINTE FARMS DO NOT CONSTITUTE ANY REPRESENTATION OR WARRANTY AS TO THE CONDITIONS OF THE DWELLING OR OTHER STRUCTURES ON SAID PREMISES DESCRIBED THEREIN (OR ANY ASPECT OF SUCH CONDITION). INTERESTED PERSONS ARE ADVISED AND ENCOURAGED TO MAKE THEIR OWN INSPECTION OF THE PREMISES IN ORDER TO DETERMINE THE CONDITION THEREOF.”

This Section shall not apply to any occupancy in existence at the time of adoption of the ordinance. Such new Certificate shall terminate upon any further change of occupancy and if



there is not a change of occupancy after issuance of such new Certificate of Occupancy, it shall terminate two years from the date of issuance.

H-405.2 Application and Fee: Application for a Certificate of Occupancy may be made by the owner, or his designated agent, of a dwelling upon a form provided by the Public Service Department and the payment of an inspection fee as established from time to time by resolution of the Council of the City of Grosse Pointe Farms.

H-405.3 Inspection; Conformance with Minimum Standards: Upon receipt of the application and fee, an Inspector shall inspect the owner's dwelling within five days and, if such dwelling is in conformance with the minimum standards set forth in Articles 3 and 4 hereof, a Certificate of Occupancy shall be issued immediately. If the dwelling is not in conformance with the minimum standards set forth in Articles 3 and 4 hereof, the Inspector shall issue an inspection check list giving notice of violations within three working days following his inspection, and a Certificate of Occupancy shall not be issued until the violations listed on such inspection report have been corrected to the reasonable satisfaction of the Inspector. Such inspection report shall be valid only for a one-year period and thereafter, a new application and fee must be filed with and paid to the City requesting another inspection. Any inspection report outstanding as of the effective date of this Ordinance shall be valid until May 27, 1980.

H-405.4 Conditional Certificate of Occupancy: In the event, for any reason, an owner or purchaser requests that a Certificate of Occupancy be issued prior to complete conformance with the minimum standards of this Code and if the absence of complete conformance does not, in the judgment of the Inspector, constitute material health or safety hazards, a Conditional Certificate of Occupancy may be issued upon the condition that complete conformance be achieved within a reasonable time specified by the Inspector, but in not less than seven (7) days, and the owner's or purchaser's assurance that complete conformance will be achieved by deposit with the City of Grosse Pointe Farms of cash or bond acceptable to the City of Grosse Pointe Farms in an amount as determined by the Public Service Director, but not less than \$250 and not more than 150% of the estimated cost of remedying such defects. In the event of issuance of a Conditional Certificate of Occupancy, the owner or purchaser shall notify the Inspector, by or before the end of the time period specified by the Inspector for achieving conformance, that said conformance has been achieved, and a Certificate of Occupancy shall be issued and the owner's or purchaser's bond returned if the Inspector is satisfied as to the owner's or purchaser's compliance. If the owner or purchaser fails to comply as agreed, the Public Service Department may use so much of the cash or bond as is necessary to instigate legal action to secure conformance or to undertake the specified work with return of any balance to the owner or purchaser. In the event that the amount of the cash or bond is not sufficient to cover the entire cost of conformance, then any additional cost hereunder shall be charged against the premises and the owner of said premises, and shall be collected as provided for special assessments in accordance with Ordinance No. 87 of the City of Grosse Pointe Farms.

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H-405.5 Access for Repairs: Every occupant of a dwelling or structure shall give the owner or his authorized agent (which shall include the Public Service Department or its designees effecting repairs or alterations pursuant to cash or bond) access to the dwelling and any accessory building at any reasonable time for purposes of making such repairs or alterations as are necessary to insure compliance with this Ordinance and enable the issuance of a Certificate of Occupancy.

Deletions: Sections H-100.4, H-301.7, H-302.9.1, H-302.9.2, H-403.8, H-500.1 through H-500.6, and H-501.1 through H-501.7 are hereby deleted from the Code.

**Section 5.** This ordinance shall take effect ninety (90) days after its enactment or upon its publication, whichever is later.

Enacted: June 7, 1976

Section H-301.8 Amended March 6, 1978, Ord. No. 224  
Section H-301.10 Added June 12, 1995, Ord. No. 335  
Section H-301.10 Amended March 8, 1999, Ord. No. 343  
Section H-303.9 Amended October 17, 1977, Ord. No. 215  
Section H-303.9 Amended January 23, 1995, Ord. No. 329  
Section H-405.1 Amended October 17, 1977, Ord. No. 215  
Section H-405.1 Amended May 7, 1979, Ord. No. 231  
Section H-405.3 Amended May 7, 1979, Ord. No. 231  
Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_11-06.EXT\_PROPERTY\_MAINT

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**CODE NO. 11-11 -- RESIDENTIAL AIR CONDITIONING AND  
HEAT PUMP UNIT ORDINANCE**

**Ordinance No. 274**

**AN ORDINANCE TO REGULATE THE INSTALLATION OF REFRIGERATION  
EQUIPMENT USED FOR CENTRAL AIR CONDITIONING PURPOSES AND HEAT  
PUMP UNITS IN ALL RESIDENTIAL DISTRICTS IN THE CITY OF GROSSE POINTE  
FARMS.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** In all residential districts in the City of Grosse Pointe Farms, no refrigeration equipment used for central air conditioning purposes or heat pump units shall be installed, erected, maintained or permitted outside a residential dwelling or its attached structure in the City of Grosse Pointe Farms except:

(a) refrigeration equipment used for central air conditioning purposes or heat pump units located in the rear or side yard, as defined in Section 201 of the Zoning Ordinance, provided, however, that such equipment shall be installed in either: (1) the rear of the structure, between the extreme sides, and not less than three (3) feet from either side of the structure, and provided further that such equipment shall not be located in a rear yard abutting Lakeshore Drive; (2) a side yard adjoining a public right-of-way, provided further that such equipment shall not be located in a side yard abutting Lakeshore Drive; (3) a side yard adjoining private property, provided the owner of such adjoining property shall consent in writing to the placement of such equipment in such side yard, which written consent shall be filed with the City and shall be irrevocable and binding on succeeding owners of such adjoining property; or (4) a rear yard other than as permitted by Section 1(a)(1) above, provided (i) such equipment shall not be located in a rear yard abutting Lakeshore Drive and (ii) the side lot line closest to the equipment shall be either (A) a public right-of-way or (B) private property and the owner of such property shall consent in writing to the placement of such equipment in such rear yard, which written consent shall be filed with the City and shall be irrevocable and binding on succeeding owners of such adjoining property.

(b) refrigeration equipment used for central air conditioning purposes or heat pump units located in any location which is not authorized by Section 1(a) of this Ordinance, provided, however, that the property owner obtain, by petition, the approval of the City Council concerning the location of such equipment. With the petition to the City Council, the owner shall submit plans to scale showing all dimensions of the equipment, the owner's property, adjoining lots and streets and specific landscape plans for screening the equipment from view including the type of plants or

shrubs, number and height. The petition shall fully describe the need for placing such equipment in the requested location. The City Manager or his or her designated representative will set a date for a hearing on such petition and notice by first class mail shall be given by the petitioner not less than ten (10) days prior to the hearing, to all property owners with residences located within two hundred (200) feet of the equipment to be installed.

**Section 2.** Refrigeration equipment used for central air conditioning purposes or heat pump units located in any location authorized by Section 1(a)(2), 1(a)(3) or 1(a)(4) of this Ordinance shall be properly screened from view by landscaping, shrubbery, walls, fences or other barriers approved by the Director of Public Service.

**Section 3.** Before any refrigeration equipment used for central air conditioning purposes or heat pump units shall hereafter be erected on any property in the City of Grosse Pointe Farms, other than property of the City, a written permit therefor shall be obtained from the City upon application in writing. The application shall set forth a description of the equipment, and its proposed location, and such other information as the officers of the City may reasonably require. A permit shall be issued upon determination by the administrative officers of the City that the location of the proposed equipment complies with the provisions of this Ordinance; otherwise the permit shall not be issued. A fee in an amount established from time to time by the City Council shall be paid to the City upon the issuance of such permit.

**Section 4.** An appeal to the City Council may be taken from any action of the administrative officers of the City denying a permit for the installation of refrigeration equipment used for central air conditioning purposes or a heat pump unit. Appeals must be in writing and must be filed within ten (10) days after the decision appealed from is mailed or otherwise communicated to the appellant. The Council may, upon such appeal, reverse, modify or affirm the action of the administrative officers. The Council may also, upon any such appeal, in at its discretion, reduce or modify the requirements of this Ordinance in individual cases, where it determines such action will not impair the general affect and intent of this Ordinance, (a) in any situation of unusual practical difficulty or unnecessary hardship, or (b) in the general interest of the public safety, comfort, convenience, or the protection of property values. The Council may impose conditions in granting approval including but not limited to required landscaping and screening to conceal the equipment from view from an abutting public right-of-way, or adjacent structures.

**Section 5.** Any violation of the provisions of this Ordinance shall constitute a public hazard and nuisance.

**Section 6.** Refrigeration equipment or heat pump units installed outside a residential structure prior to the date of this Ordinance shall not constitute a nonconforming characteristic of that structure or make that residence a non-conforming structure.

**Section 7. Severability.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 8. Effective Date.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: November 12, 1984

Sec. 1, Am. May 6, 1985, Ord. No. 279

Sec. 1, 2, Am. Nov. 9, 1987, Ord. No. 288

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_11-11.RESIDENTIAL\_HVAC

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**CODE NO. 11-12 – MECHANICAL CODE ORDINANCE**

**Ordinance No. 360**

**AN ORDINANCE TO ESTABLISH MINIMUM REGULATIONS GOVERNING THE DESIGN, INSTALLATION AND CONSTRUCTION OF MECHANICAL SYSTEMS, BY PROVIDING REASONABLE SAFEGUARDS TO PROTECT THE PUBLIC HEALTH AND SAFETY AGAINST THE HAZARDS OF INADEQUATE, DEFECTIVE OR UNSAFE MECHANICAL SYSTEMS IN THE CITY OF GROSSE POINTE FARMS; TO PROVIDE FOR INSPECTIONS, THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; AND TO REPEAL ORDINANCE NO. 324.**

The City of Grosse Pointe Farms ordains:

**Section 1. Adoption of Mechanical Code.** The mechanical code of the State of Michigan (hereinafter referred to as the "Code"), as promulgated under the authority of the state construction code and as amended from time to time, is hereby adopted as the Mechanical Code of the City of Grosse Pointe Farms, and is to be used in regulating the design, installation, construction, alteration, repair, maintenance and inspection of all mechanical systems in the City of Grosse Pointe Farms; and each and all of the regulations, provisions, conditions and terms of said Code are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance with the additions, insertions, deletions and changes prescribed in Section 3 of this Ordinance. As so modified, the City of Grosse Pointe Farms hereby assumes responsibility for the administration and enforcement of the Code within the boundaries of the City.

**Section 2. Purpose.** The purpose of this Ordinance is to ensure public safety, health and welfare insofar as they are affected by the installation and maintenance of mechanical systems.

**Section 3. Additions, Insertions, Deletions and Changes.** The Code is hereby revised and modified in the following respects:

(a) The payment of certain fees and deposits shall be governed by the following provision:

Fees and Deposits: Before receiving a permit for any mechanical work or any amendment thereto, the owner (or the owner's duly authorized agent) shall pay such fees pursuant to a schedule established by the code official and approved by resolution of the City Council. In addition, before

receiving a permit for any mechanical work or any amendment thereto, the owner (or the owner's duly authorized agent) shall deposit with the City an amount determined by the code official (subject to direction by resolution of the City Council) to be adequate to protect the City against the cost of any expenses which the City may incur as a result of the work covered by the permit, including (but not by way of limitation) the cost of further permits, removal of debris, restoration of ground levels, use of unmetered water, repair of damaged sidewalks and other property and charges related to establishing and disconnecting water connections. The fees for all periodic inspections shall be as specified by the code official in accordance with resolution adopted by the City Council.

(b) Violations of the Code shall be governed by the following provision, and the penalties established below shall be in addition to any other penalties established in the Code:

Violations, Penalties: It shall be unlawful for any person to install, construct, alter, repair or maintain any mechanical system in violation of any provision of this code or in violation of an approved permit, construction document, certificate or directive of the code official, or to cause, permit or suffer any such violation to be committed. Any such person shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, for each provision of law thus violated. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day that the violation continues or is permitted to continue shall constitute a separate offense. Any person who shall continue any mechanical work in or about a structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

**Section 4. Other Ordinances.** In case of conflict between any provision of the Code (as adopted in this Ordinance) and the provisions of any other ordinance of the City of Grosse Pointe Farms, the most restrictive provisions shall control. In any residential district with the City of Grosse Pointe Farms, the location of any mechanical system (including without limitation any air conditioning system, heat pump, air compressor, pool pump or other similar mechanical device)

shall be governed by the applicable provisions of the Zoning Ordinance, the Outdoor Swimming Pools Ordinance, or the Residential Air Conditioning and Heat Pump Ordinance.

**Section 5. Repeal.** The following Ordinance is hereby repealed: Ordinance No. 324, adopted November 8, 1993, entitled “AN ORDINANCE TO ESTABLISH MINIMUM REGULATIONS GOVERNING THE DESIGN, INSTALLATION AND CONSTRUCTION OF MECHANICAL SYSTEMS, BY PROVIDING REASONABLE SAFEGUARDS TO PROTECT THE PUBLIC HEALTH AND SAFETY AGAINST THE HAZARDS OF INADEQUATE, DEFECTIVE OR UNSAFE MECHANICAL SYSTEMS IN THE CITY OF GROSSE POINTE FARMS; TO PROVIDE FOR INSPECTIONS, THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF; AND TO REPEAL ORDINANCE NO. 309.”

**Section 6. Severability.** If any provision of this Ordinance shall be held invalid, the remainder of this Ordinance shall not be affected thereby.

**Section 7. Effective Date.** This Ordinance shall take effect twenty (20) days after its enactment, or upon its publication, whichever is later.

Enacted: July 9, 2001

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 599717



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**CODE NO. 11-13 -- RESIDENTIAL AUXILIARY GENERATOR ORDINANCE**

**Ordinance No. 371**

**AN ORDINANCE TO REGULATE THE INSTALLATION AND MAINTENANCE OF GENERATORS AND SIMILAR EQUIPMENT USED FOR AUXILIARY POWER IN RESIDENTIAL DISTRICTS IN THE CITY OF GROSSE POINTE FARMS.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** In all residential districts in the City of Grosse Pointe Farms, no generators or other equipment used for the purpose of creating and/or delivering auxiliary power shall be installed, erected, maintained or permitted outside a residential dwelling or any structure attached to a residential dwelling except:

(a) movable equipment that is not affixed or installed as a permanent appurtenance and that is used solely on a temporary emergency basis; or

(b) equipment located either (1) in the rear yard (as defined in Section 201 of the Zoning Ordinance), not closer to any side lot line than the extreme sides of the residential dwelling, not less than twenty five (25) feet from the rear lot line, and not less than thirty (30) feet from the nearest adjoining residential dwelling, provided that such equipment shall not be located in a rear yard abutting Lakeshore Drive, or (2) in a rear yard other than as permitted in clause (b)(1) above, provided (A) such equipment shall not be located in a rear yard abutting Lakeshore Drive and (B) the side lot line closest to the equipment shall be either (i) a public right-of-way or (ii) private property and the owner of such property shall consent in writing (on a form approved by the City) to the placement of such equipment in such location, which written consent shall be filed with the City and shall be irrevocable and binding on succeeding owners of such adjoining property, or (3) in a side yard (as defined in Section 201 of the Zoning Ordinance) adjoining a public right-of-way, not less than thirty (30) feet from the nearest adjoining residential dwelling, provided that such equipment shall not be located in a side yard abutting Lakeshore Drive, or (4) in a side yard adjoining private property, provided the owner of such property shall consent in writing (on a form approved by the City) to the placement of such equipment in such location, which written consent shall be filed with the City and shall be irrevocable and binding on succeeding owners of such adjoining property; or

(c) equipment located in any location which is not authorized by Section 1(b) of this Ordinance, provided, however, that the property owner obtain, by petition, the prior approval of the City Council for the proposed location of such equipment. With the petition to the City Council,

the owner shall submit plans to scale showing all dimensions of the equipment, the owner's property, adjoining lots and streets and specific landscape plans for screening the equipment from view, including the type of plants or shrubs, number and height. The petition shall fully describe the reason(s) for placing such equipment in the requested location. The City Clerk or his or her designated representative will set a date for a hearing on such petition and notice by mail shall be given not less than ten (10) days prior to the hearing to all property owners with residences located within two hundred (200) feet of the equipment to be installed.

**Section 2.** Equipment authorized by Section 1(b) or 1(c) of this Ordinance:

(a) shall be properly screened from view from adjacent properties and any public right-of-way by the placement of landscaping, shrubbery, walls, fences or other barriers approved by the Director of Public Service;

(b) shall, during normal operation, emit audible sound not greater than sixty (60) decibels measured at the nearest adjoining property line; and

(c) shall be operated for routine maintenance purposes not more frequently than once per week for a period not to exceed fifteen (15) minutes during the hours of 9:00 a.m. through 5:00 p.m., Monday through Friday only, and, if feasible, will be coordinated at the same time as other property maintenance activities.

**Section 3.** Before any generator or other equipment used for the purpose of creating and/or delivering auxiliary power shall installed or used in any residential district in the City of Grosse Pointe Farms (excepting any such use on a temporary emergency basis), a written permit therefor shall be obtained from the City upon application in writing. The application shall set forth a description of the equipment and its proposed location, and such other information as the officers of the City may reasonably require. A permit shall be issued upon determination by the administrative officers of the City that the location of the proposed equipment and its design specifications and proposed landscaping or screening are in compliance with the requirements of this Ordinance and any other applicable codes or ordinances; otherwise the permit shall not be issued. A fee in an amount established from time to time by the City Council shall be paid to the City upon the issuance of such permit.

**Section 4.** An appeal to the City Council may be taken from any action of the administrative officers of the City denying a permit for the installation of generators or other equipment used for the purpose of creating and/or delivering auxiliary power. Appeals must be in writing and must be filed within ten (10) days after the decision appealed from is mailed or otherwise communicated to the appellant. The Council may, upon such appeal, reverse, modify or

affirm the action of the administrative officers. The Council may also, upon any such appeal, in its discretion, reduce or modify the requirements of this Ordinance in individual cases, where it determines such action will not impair the general intent of this Ordinance, (a) in any situation of unusual practical difficulty or unnecessary hardship, or (b) in the general interest of the public safety, comfort, convenience, or the protection of property values. The Council may impose conditions in granting approval, including but not limited to required landscaping and screening to conceal the equipment from view from adjoining properties and public rights-of-way.

**Section 5.** Any violation of the provisions of this Ordinance shall constitute a public nuisance.

**Section 6. Severability.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 7. Effective Date.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: March 8, 2004

Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 770855

**CODE NO. 12-01 -- PLATS**

**Ordinance No. 111**

**AN ORDINANCE REGULATING THE APPROVAL OF PLATS IN THE CITY OF GROSSE POINTS FARMS, AND TO REPEAL ORDINANCE NO. 22 AND AMENDMENTS THERETO.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** No plat of subdivided lands shall be accepted or approved by the City Council until the improvements hereinafter enumerated shall have been made, without expense to the City, and shall have been approved by the City Engineer or the City Council, except as hereinafter provided.

**Section 2.** All streets shall be paved, and curbs shall be constructed along both sides of each street. Cement sidewalks on both sides of each street shall be required, unless the City Council shall determine that the public safety does not require either or both of said sidewalks; no such determination shall preclude the City Council from subsequently requiring the installation of such sidewalks at the expense of the respective property owners, occupants or parties in interest.

**Section 3.** Water mains shall be constructed and laid in all streets, or in easements approved by the City Engineer or the City Council, and connection shall be established with the source of supply of the City. Fire hydrants of a kind and size to be approved by the City Engineer or by City Council shall be installed at such locations as the City Engineer or City Council shall require or approve.

**Section 4.** Storm water drains with suitable catch basins and manholes shall be constructed and laid in all streets.

**Section 5.** Sewers with the necessary manholes shall be constructed and laid in all streets or in easements approved by the City Engineer or the City Council. There shall be provided at least one connection to every lot fronting on either side of said streets, or at such other intervals as the City Engineer or the City Council shall require, which connection shall extend from the main sewers to the lot lines.

**Section 6.** Easements for electric light and power lines, telephone lines, cable and fiber optic lines, gas mains and other public utilities may be required to be included in the plat, by the City Engineer or the City Council. At the expense of the proprietor, telephone, cable and fiber

optic, and electrical utility lines for subdivision redistribution shall be located underground unless the City Council shall determine that this requirement would constitute an unnecessary hardship on the proprietor.

**Section 7.** The grade, location and dimensions of all (a) street pavements, (b) curbs, (c) sidewalks, (d) water mains and connections, (e) storm water drains, catch basins and manholes, (f) sewers, manholes and lot connections, (g) easements for public utilities; the materials used therein; the method of construction and installation thereof; and the other features of the plat shall be subject to the approval of the City Engineer or the City Council.

**Section 8.** Other provisions of this Ordinance notwithstanding, the City Council may accept and approve the proposed plat without the installation or construction of any of the improvements required by this Ordinance, provided a good and sufficient surety bond of a surety company authorized to do business in this State, personal bond approved by the City Council and secured by a deposit of cash in an amount determined by the City Council, a letter of credit of a bank authorized to do business in this State, cash deposit, bearer bonds, or bond endorsed to the City of Grosse Pointe Farms has been filed with the City Clerk in an amount equal to or greater than the estimated cost of all improvements required by this Ordinance shall be installed. Upon the failure to install the improvements in accordance with applicable regulations, the City of Grosse Pointe Farms or its nominee may enter into and upon platted property, with necessary machinery and equipment, for the purpose of installing or completing the installation of these improvements in accordance with all applicable regulations, and the cost of such work shall be reimbursed to the City from the above described security posted for such purpose. Said security shall be released after the improvements have been installed, inspected and approved by the City of Grosse Pointe Farms.

**Section 9.** No plat shall be accepted or approved which shows an alley thereon, except in Local Business Districts, Commercial Districts and Parking Districts established under the Zoning Ordinance of the City as from time to time in effect. The City Engineer or the City Council may make requirements as to paving, grade and dimensions in connection with any such alley.

**Section 10.** The City Council may require the proprietor to add to the plat streets not originally shown thereon, which additional streets shall be subject to the approval requirements of Section 7 hereof.

**Section 11.** A fee shall be paid to the City prior to commencing installation of the improvements. Such fee shall be in an amount which will pay the City the cost of inspecting such improvements and cover other related expenses. Such fee shall be established from time to time by the City Council and may vary, based upon the character and value of work, type of inspection required, and other facts deemed pertinent by the City Council.

**Section 12.** Ordinance No. 22, adopted September 13, 1920, entitled "An Ordinance Regulating the Approval of Plats in the Village of Grosse Pointe Farms," as amended by ordinances adopted October 15, 1923, April 22, 1924, September 15, 1924 and November 3, 1924, is hereby repealed.

**Section 13.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 14.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: September 20, 1954

Sec. 6 Am. Apr. 19, 1965 by Ord. No. 162  
Sec. 8 Am. Sept. 12, 1983 by Ord. No. 266  
Sec. 11 Am. May 16, 1983 by Ord. No. 263  
Technical Amendments, July 9, 2018, Ord No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_12-01.PLATS

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**CODE NO. 12-02 -- UNPLATTED LANDS**

**Ordinance No. 112**

**AN ORDINANCE REGULATING AND REQUIRING IMPROVEMENTS ON LAND NOT COVERED BY PLATS APPROVED UNDER OTHER ORDINANCES, AND TO REPEAL ORDINANCE NO. 83.**

The City of Grosse Pointe Farms Ordains:

**Section 1.** No building or structure shall be erected or enlarged on, or moved to, any parcel of land as to which improvements have not been made under Ordinance No. 22, adopted September 13, 1920, entitled "An Ordinance Regulating the Approval of Plats in the Village of Grosse Pointe Farms," as amended by ordinances adopted October 15, 1923, April 22, 1924, September 15, 1924 and November 3, 1924, or Ordinance No. 110 (Code No. 12-01) adopted September 20, 1954, entitled "An Ordinance Regulating the approval of Plats in the City of Grosse Pointe Farms, and to Repeal Ordinance No. 22 and Amendments Thereto," or any successor ordinance regulating the approval of plats, unless the improvements hereinafter enumerated shall have been made, without expense to the City, and shall have been approved by the City Engineer or the City Council, except as hereinafter provided.

**Section 2.** All streets shall be paved, and curbs shall be constructed along both sides of each street. Cement sidewalks on both sides of each street shall be required, unless the City Council shall determine that the public safety does not require either or both of said sidewalks; no such determination shall preclude the City Council from subsequently requiring the installation of such sidewalks at the expense of the respective property owners, occupants or parties in interest.

**Section 3.** Water mains shall be constructed and laid in all streets, or in easements approved by the City Engineer or the City Council, and connection shall be established with the source of supply of the City. Fire hydrants of a kind and size to be approved by the City Engineer or by City Council shall be installed at such locations as the City Engineer or City Council shall require or approve.

**Section 4.** Storm water drains with suitable catch basins and manholes shall be constructed and laid in all streets.

**Section 5.** Sewers with the necessary manholes shall be constructed and laid in all streets or in easements approved by the City Engineer or the City Council. There shall be provided at least one connection to every lot fronting on either side of said streets, or at such other intervals as the

City Engineer or the City Council shall require, which connection shall extend from the main sewers to the lot lines.

**Section 6.** Easements for electric light and power lines, telephone lines, cable and fiber optic lines, gas mains and other public utilities may be required to be included in the plat filed with the application for the building permit, by the City Engineer or the City Council.

**Section 7.** The grade, location and dimensions of all (a) street pavements, (b) curbs, (c) sidewalks, (d) water mains and connections, (e) storm water drains, catch basins and manholes, (f) sewers, manholes and lot connections, (g) easements for public utilities; the materials used therein; the method of construction and installation thereof; and the other features of the plat shall be subject to the approval of the City Engineer or the City Council. All or any streets, rights of way, easements or places may be required to be dedicated to the public use by appropriate legal procedures.

**Section 8.** No permit required by the Building Code, Ordinance No. 107 (Code No. 11-01) adopted December 21, 1953, entitled "An Ordinance to Regulate the Erection, Construction, Enlargement, Equipment, Alteration, Repair, Moving, Removal, Demolition, Conversion, Use, Height, Area and Maintenance of All Buildings and Structures in the City of Grosse Pointe Farms; and to Provide for the Issuance of Permits and Collection of Fees Therefor; and to Repeal Ordinances Numbered 19, 30-A, 37, 61 and 86," or any successor building code ordinance, shall be issued unless and until the improvements hereinbefore in this ordinance enumerated shall have been made and approved as herein required. Every application for such building permit shall be accompanied by a plat, drawn to scale, showing the exact dimensions of the parcel of land on which the proposed building or structure is to be erected or enlarged, or to which it is to be moved, and describing the grade, location, dimensions, materials and method of construction and installation of such improvements, with such other information as may be required by the City Engineer of the City Council.

**Section 9.** Prior to commencing the installation of improvements under this Ordinance, a good and sufficient surety bond of a surety company authorized to do business in this State, personal bond approved by the City Council and secured by a deposit of cash in an amount determined by the City Council, a letter of credit of a bank authorized to do business in this State, cash deposit, bearer bond, or bond endorsed to the City of Grosse Pointe Farms shall be filed with the City Clerk in an amount equal to or greater than the estimated cost of all improvements required hereunder. The security held by the City shall insure that within the period of time determined by the City Council, the improvements required by this Ordinance shall be installed in accordance with all applicable regulations. Upon the failure to install the improvements in accordance with applicable regulations, the City of Grosse Pointe Farms or its nominee may enter into and upon



unplatted property, with necessary machinery and equipment, for the purpose of installing or completing the installation of these improvements in accordance with all applicable regulations, and the cost of such work shall be reimbursed to the City from the above described security posted for such purpose. Said security shall be released after the improvements have been installed, inspected and approved by the City of Grosse Pointe Farms.

**Section 10.** The City Council may require streets, rights of way, easements and places, in addition of those shown on the plat filed with the application for the building permit, and may, if it deems such action advisable in the public interest, require the dedication of such streets, rights of way, easements and places to the public use. Such streets, rights of way, easements and places shall be subject to the approval requirements of Section 7 of this Ordinance.

**Section 11.** Under special circumstances, where long usage or unusual conditions would cause the enforcement of any provision of this Ordinance to result in undue hardship to the owner of any particular parcel of land in the City of Grosse Pointe Farms, and where, in the opinion of the City Council, the public interest does not require the enforcement of such provision, the Council may, in its discretion, suspend such enforcement for such period as it shall deem advisable.

**Section 12.** A fee shall be paid to the City prior to commencing the installation of such improvements under the provisions of this Ordinance. Such fee shall be in an amount which will pay the City the cost of inspecting such improvements and cover other related expenses. Such fee shall be established from time to time by the City Council and may vary, based upon the character and value of work, type of inspection required, and other facts deemed pertinent by the City Council.

**Section 13.** Ordinance No. 83, adopted April 23, 1949, entitled "An Ordinance Regulating the Issuance of Building Permits for the Erection, Alteration or Improvement of Buildings Erected on Certain Lots in the City of Grosse Pointe Farms" is hereby repealed.

**Section 14.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**Section 15.** This Ordinance shall take effect twenty (20) days after its enactment, or upon its publication, whichever is later.

Enacted: September 20, 1954

Sec. 9, Am. Sept. 12, 1983, Ord. No. 267

Sec. 12, Am. June 16, 1983, Ord. No. 264

Technical Amendments, July 9, 2018, Ord. No. 392

WP0:[WPWTB.04439.0001]ORD\_COD\_12-02.UNPLATTED\_LANDS

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**CODE NO. 12-04 -- SOIL EROSION AND SEDIMENTATION CONTROL**

**AN ORDINANCE TO TRANSFER ENFORCEMENT AUTHORITY FOR SOIL EROSION AND SEDIMENTATION CONTROL TO THE COUNTY OF WAYNE AND TO REPEAL INCONSISTENT ORDINANCES.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Purpose; Designation of Municipal Enforcing Agency.** For purposes of soil erosion and sedimentation control within the municipal boundaries of the City of Grosse Pointe Farms and its adjoining waters consistent with the requirements of the soil erosion and sedimentation control rules (the "Rules") promulgated under Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, being Act 451 of the Public Acts of 1994, as amended ("Part 91"), enforcement authority under the Rules and Part 91 is hereby transferred to the County of Wayne.

**Section 2. Repeal.** A prior ordinance entitled "An Ordinance to Control Soil Erosion and Sedimentation," is hereby repealed.

**Section 3. No Waiver.** Neither the designation of the County of Wayne as the municipal enforcing agency for purposes of the Rules and Part 91 nor the repeal of prior ordinances shall constitute a waiver of the right of the City of Grosse Pointe Farms in the future to enact and enforce ordinances, rules or regulations addressing soil erosion and/or sedimentation control in a manner consistent with Part 91 or any additional or successor federal or Michigan statutes governing such control.

**Section 4. Invalidity.** If any provisions of this Ordinance or its application to any conditions shall be held invalid, the remainder of the ordinance or its application to other conditions shall not be affected thereby.

**Section 5. Immediate Effect.** It is hereby declared that this ordinance is immediately necessary for the preservation of the public peace, health and safety, and is therefore given immediate effect.

Enacted: November 14, 2005  
Technical Amendments July 9, 2018, Ord. No. 392

ZONING ORDINANCE  
CITY OF GROSSE POINTE FARMS  
MICHIGAN

PLANNING STANDARDS BY:

VILICAN LEMAN & ASSOCIATES, INC.  
COMMUNITY PLANNING CONSULTANTS  
SOUTHFIELD, MICHIGAN

LEGAL COUNSEL:

DICKINSON WRIGHT PLLC  
DETROIT, MICHIGAN

Includes Revisions through January 2019



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**CODE NO. 12-03 – ZONING ORDINANCE**

ORDINANCE NO. 192

TITLE

AN ORDINANCE TO PROMOTE, PROTECT AND PROVIDE FOR, IN THE INTERESTS OF THE PUBLIC HEALTH, SAFETY, COMFORT, CONVENIENCE AND GENERAL WELFARE IN THE CITY OF GROSSE POINTE FARMS, THE CONSERVATION OF PROPERTY VALUES IN THE CITY, ITS CHARACTER AS A RESIDENTIAL COMMUNITY, AND THE GENERAL TREND THEREIN OF BUILDING AND POPULATION DEVELOPMENTS; TO ESTABLISH DISTRICTS IN THE CITY; TO REGULATE THE USE OF LAND AND STRUCTURES THEREIN AND TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND BUSINESSES, AND THE LOCATION OF STRUCTURES DESIGNATED FOR SPECIFIC USES; TO REGULATE AND LIMIT THE HEIGHT, AREA, BULK AND LOCATION OF STRUCTURES; TO REGULATE AND DETERMINE THE AREA OF YARDS, AND OTHER OPEN SPACES; TO LIMIT AND RESTRICT THE MAXIMUM NUMBER OF FAMILIES WHICH MAY BE HOUSED IN DWELLINGS; TO PROVIDE FOR MINIMUM OFF-STREET PARKING FACILITIES FOR MOTOR VEHICLES; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE; TO PROVIDE FOR A BOARD OF APPEALS AND ITS POWERS AND DUTIES, AND TO PRESCRIBE THE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

PREAMBLE

Pursuant to the authority conferred by Act 207 of Public Acts of 1921, as amended, of the State of Michigan and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the City of Grosse Pointe Farms by protecting and conserving the character and social and economic stability of the residential, business, institutional and other use areas; by securing the most appropriate use of land; by preventing overcrowding of land and undue congestion of population; by providing adequate light, air and reasonable access; by facilitating adequate and economical provisions of transportation, water sewers, schools, recreation and other public requirements and by other means, all in accordance with a comprehensive plan; now therefore:

ENACTING CLAUSE

The City of Grosse Pointe Farms Ordains:



ARTICLE I - SHORT TITLE

SEC. 100. This Ordinance shall be known and may be cited as the City of Grosse Pointe Farms Zoning Ordinance.

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ARTICLE II CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SEC. 200.\* CONSTRUCTION OF LANGUAGE:

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
6. The word "person" includes any individual, a corporation, a partnership, an incorporated association, or any other similar entity.
7. The word "dwelling" includes the word "residence," and the word "lot" includes the words "plot" or "parcel."
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either ... or," the conjunction shall be interpreted as follows:
  - (a) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - (b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - (c) "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

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\* Sec. 200 Am., Oct. 22, 1984, Ord. No. 273

## SEC. 201.\* DEFINITIONS:

1. Accessory: Subordinate and incidental to a principal use or structure on the same lot.  
An accessory structure or use includes, but is not limited to, the following:
  - (a) Residential accommodations for servants and/or caretakers.
  - (b) Swimming pools, tennis courts, or similar recreation facilities for the use of occupants of a residence, or their guests.
  - (c) Domestic storage in a shed, tool room, or similar building or structure.
  - (d) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
  - (e) Storage of merchandise normally carried in stock in connection with a business or use, unless such storage is excluded in the applicable district regulations.
  - (f) Accessory off-street parking, open or enclosed.
  - (g) Accessory off-street loading.
  - (i) Accessory signs.
2. Alley: Is any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
3. Alterations: Is any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
4. Basement: Is that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story and a basement shall not be used in computing the minimum required floor area.
5. Block: Is the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and unsubdivided acreage, lake, river or live stream, or between any of the foregoing and any

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\* Sec. 201 Am., Oct. 22, 1984, Ord. No. 273

\* Sec. 201, Par. 7 Am., Sept. 9, 2002, Ord. No. 362

\* Sec. 201, Par. 8 Am., Sept. 9, 2002, Ord. No. 362, Am. Mar. 10, 2003, Ord. No. 366

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- other barrier to the continuity of the development, or corporate boundary lines of the municipality.
6. Board: Is the City of Grosse Pointe Farms "Board of Zoning Appeals."
  7. Building: A structure (temporary or permanent) having a roof supported by columns or walls and designed or used for shelter or as an enclosure.
  8. Building Height: Is the vertical distance measured from the established grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs; provided that for any attached garage or accessory structure the height shall be measured from the established grade to the highest point of the roof of such attached garage or accessory structure. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
  9. Building Line: Is a line formed by the face of the building, and for the purposes of this Ordinance, a building line is the same as a front setback line.
  10. Clinic: Is an establishment where human patients, who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.
  11. Club, Private Recreation: Is a private, nonprofit incorporated club of limited membership, organized and operated for strictly sport and recreational purposes.
  12. Community and Cultural Centers: Is a use conducted by a nonprofit organization which serves educational, cultural and recreational needs of the residents of the community.
  13. District: Is a portion of the City of Grosse Pointe Farms within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
  14. Dwelling Unit: Is a building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
  15. Dwelling, One-Family: Is a building designed exclusively for and occupied exclusively by one (1) family.
  16. Dwelling, Multiple-Family: Is a building, or portion thereof, designed for occupancy by two (2) or more families.
  17. Dwelling, One-Family Attached: Is the attaching of one-family units through a common party wall which does not have over thirty (30) percent of its wall area on any floor in common with an abutting dwelling wall.

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18. Erected: Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.
  19. Essential Services: Is the erection, construction, alteration, maintenance and use by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.
  20. Excavation: Is any breaking of ground except common household gardening and ground care.
  21. Family: A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a single housekeeping unit. This definition is limited to a relationship based upon birth, marriage or other domestic bonds as distinguished from a group whose association is temporary in nature. Family does not include a group inhabiting a boarding house, lodging house, club, fraternity, hotel or an organization which is not a recognized religious order.
  - 22.\* Floor Area for Dwellings: Is the sum of the horizontal areas of each story of the dwelling unit and shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, common halls and stairways, and enclosed and unenclosed porches.
  23. Floor Area, Usable (For the purposes of computing parking): Is that area used for or intended to be used for the sale of merchandise or services, for use to serve patrons, clients, or customers and all that area used for employee work space. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or elevators, or for stairs, bulkheads, utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.
  24. Garage, Private: A fully enclosed accessory building or fully enclosed portion of a main building designed or used solely for the storage of motor vehicles, boats, lawn equipment,

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\* Sec. 201, Par. 22 Am., Apr. 5, 1976, Ord. No. 206

Sec. 201, Par. 22 Am., Jan. 7, 1985, Ord. No. 275

\* Sec. 201, Par. 24 Am., Sept. 9, 2002, Ord. No. 362

\* Sec. 201, Par. 41 Am., Sept. 9, 2002, Ord. No. 362

tools and similar items which are owned and used by the occupants of the building to which it is accessory.

25. **Grade:** Is a ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building, and taking the average of the several averages.
26. **Landscaped Open Space:** Is that area of a lot which may not be used for the erection of buildings or portions thereof, or for parking, standing, or access aisles other than necessary drives between parking areas and the public right of way and more or less perpendicular thereto, except as provided in this Ordinance.
27. **Loading Space:** Is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
28. **Lot:** Is a parcel of land occupied or to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance.
29. **Lot of Record:** Is a parcel of land, the dimensions of which are shown on a document or maps on file with the Wayne County Register of Deeds, or in use by the City or City Officials, and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from that of the remainder thereof.
30. **Lot Area:** Is the total horizontal area within the lot lines of the lot.
31. **Lot, Corner:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty five (135) degrees.
32. **Lot, Interior:** Is any lot other than a corner lot.
33. **Lot Lines:** The lines bounding a lot as defined herein.
  - (a) **FRONT LOT LINE** In the case of an interior lot is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, it is that line separating said lot from that street which is designated as the front street in the plat or in the request for the zoning occupancy permit.

- (b) **REAR LOT LINE** Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot. In the case of an "L" shaped or other irregular lot, where two or more lines are so located, all shall be considered to be rear lines except such as may be within fifty (50) feet of the front lot line, or which may be twenty (20) feet or less in length.
- (c) **SIDE LOT LINE** Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
34. **Lot Depth:** Is the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
35. **Lot, Double Frontage (Through Lot):** Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.
36. **Lot Width:** Is the horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.
37. **Main Building:** Is a building in which is conducted the principal use of the lot upon which it is situated.
38. **Main Use:** Is the principal use to which the premises are devoted and the principal purpose for which the premises exists.
39. **Major Thoroughfare:** Is a thoroughfare so designated on the City's Major Thoroughfare Plan.
40. **Master Plan:** Is the Comprehensive Land Use Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.
41. **Manufactured One-Family Detached Dwelling Unit:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling unit with a permanent foundation, when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical systems contained in such structure.
42. **Motor Vehicle Service Station:** A space, building or structure used for the retail sale or supply of fuels for motor vehicles to the public, including the sale of automotive accessories and automotive services for the public.
43. **Municipality:** The City of Grosse Pointe Farms, Michigan.

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44. Nonconforming Building: Is a building or portion thereof lawful existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.
  45. Nonconforming Use: Is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.
  46. Off-Street Parking Lot: Is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) vehicles.
  47. Parking Setback: Is a line back of a lot line, between which line and the lot line no vehicular parking or standing or access aisles other than necessary drives between parking areas and the public right-of-way and more or less perpendicular thereto, may be permitted except as provided in this Ordinance.
  48. Parking Space: Is an area of definite length and width; said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.
  49. Principal Use: Is the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
  - 50.\* Public Utility: Is any person, firm, or corporation, municipal department, board of commission, duly authorized to furnish and furnishing under federal, state or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.
  51. Setback: Is the distance required to obtain minimum front, side or rear open space provisions of this Ordinance. Notwithstanding the other provisions of this Ordinance, for a corner lot, the width of the side yard abutting upon the side street shall not be less than the maximum front yard depth required on any adjoining lot fronting upon such side street; provided, however, that this shall not require a width of side yard at any point exceeding twenty-five (25%) per cent of the width of the lot.
  52. Sign: Is the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known (other than billboards) such as are used to show an individual firm, profession, or business, and are visible to the general public.
  53. Story: Is that part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

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\* Sec. 201, Par. 50 Am., Apr. 5, 1976, Ord. No. 206



54. Story, Half: Is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy five (75) percent of the floor area of the story immediately below it, and not used, or designed, arranged or intended to be used in whole or in part, as an independent housekeeping unit or dwelling.
55. Street: A public thoroughfare, at least twenty-four (24) feet wide, with a right-of-way of at least fifty (50) feet, which provides the principal means of access to abutting property.
56. Structure: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
57. Temporary Use of Building: A use or building permitted by the Board of Appeals to exist for a limited period of time.
58. Use, Principal: Is the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
59. Variance: a modification of the literal provisions of the Zoning Ordinance granted by the Board of Zoning Appeals.
60. Wall, Obscuring: Is a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
- 61\*. Work Station: The place in a business or office where an owner, employee, agent or independent contractor carries out a work function. Examples of a work station include, without limitation, a desk, drafting table, computer location, dental chair, medical examining room or similar facility. A work station does not include a waiting area for customers. In a barber shop, hair salon or similar facility, a work station includes each separate chair used to provide services to customers, including separate chairs or stations used for washing or drying hair.
62. Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.
- (a) FRONT YARD: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- (b) REAR YARD: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest

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\* Sec. 201, Par. 61 Am., Oct. 23, 1995, Ord. No. 337

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point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

- (c) **SIDE YARD:** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
- (d) **EXTERIOR YARD:** Is an open space between any one building or group of buildings and the property line extending about the entire periphery of the lot or parcel. All such spaces in Multiple-Family Residential and One-Family Attached Cluster Residential Districts shall be considered as exterior yards.

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 ARTICLE III ZONING DISTRICTS AND MAP

## SEC. 300.\* DISTRICTS:

For the purpose of this Ordinance, the City of Grosse Pointe Farms is hereby divided into the following districts:

R-1-AAA	One-Family Residential District
R-1-AA	One-Family Residential District
R-1-A	One-Family Residential District
R-1	One-Family Residential District
RC	One-Family Attached Residential Cluster District
RM	Multiple-Family Residential District
CS	Community Service District
B-1	Local Business District
B-2	Commercial District
O-1	Office District
CR	Community Recreational District
P-1	Vehicular Parking District

## SEC. 301. ZONING MAPS:

Each area shall be set forth on maps containing such information as may be acceptable to the City Council and showing by appropriate means the various districts into which the area is divided, which maps shall be entitled, "Zoning District Map of Grosse Pointe Farms" and shall bear the date adopted or amended and it shall be the duty of the City Clerk to authenticate such records by placing his official signature thereon. Such maps with all explanatory matter thereon, are hereby made a part of this Ordinance and shall be as much a part of this Ordinance as if the matter and information set forth thereon were all fully described herein.

## SEC. 302. DISTRICT BOUNDARIES:

Where uncertainty exists with respect to the boundaries of any of the districts established in this Ordinance as shown on the Zoning District Maps, the following rules shall be applied:

1. Where district boundaries are indicated as approximately following the center line of streets or highways, such center lines, street lines or highway right-of-way lines shall be construed to be said boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

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\* Sec. 300 Am., Aug. 17, 1987, Ord. No. 287

3. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no such distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
4. Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be said district boundary line.
5. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or confliction as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application, or upon its own motion, by the Board of Zoning Appeals.
6. Where districts or district boundaries are referred to in this Ordinance, they shall in all instances mean only the districts within the corporate boundary of the City of Grosse Pointe Farms.

#### SEC. 303. ZONING OF VACATED AREAS:

Whenever any street, alley or other public way within the City of Grosse Pointe Farms shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zone District as the property to which it attaches.

#### SEC. 304. DISTRICT REQUIREMENTS:

All buildings and uses in any district shall be subject to the provisions of ARTICLE XIV, "GENERAL EXCEPTIONS" and ARTICLE XV, "GENERAL PROVISIONS".

## ARTICLE IV\* - R-1-AAA, R-1-AA, R-1-A AND R-1

## ONE-FAMILY RESIDENTIAL DISTRICTS

## PREAMBLE:

These residential districts are designed to provide for one-family dwelling sites and residentially related uses in keeping with the existing low density character of the City of Grosse Pointe Farms. The preservation of the natural features and the standards under which the community has had its development take place is reflected in the controls set forth in this Section. Any new development or re-development within these residential districts shall promote a harmonious relationship with existing nearby dwellings (considering lot size and shape, building size, setbacks, density, exterior architecture and design, landscaping and use of materials, color and scale).

## SEC. 400. PRINCIPAL USES PERMITTED:

- 1.\* One-Family Detached Dwellings, provided, however, that upon any lot, as determined by the regulations of this Ordinance, only one single-family detached dwelling may be constructed or maintained unless approval of a lot split has been granted under Section 1516.
2. Parks and playgrounds for use of neighborhood residents.
3. Fences in accordance with Code 11.03.
4. Accessory buildings and uses, provided such uses are located as required by Article XV.
- 5.\* Storage of trailers, motorized homes, boats, travel equipment and other equipment or vehicles of a similar nature, if such vehicles or equipment are unoccupied and parked in a fully enclosed garage. Recreational vehicles are permitted for temporary periods not to exceed forty-eight (48) hours for the purpose of loading and unloading. Conversion vans and similar vehicles are permitted if they are the resident's sole means of motor vehicle transportation.
- 6.\* Trash containers if such containers are screened from view from the street and adjacent properties. Mechanical equipment (such as generators, HVAC equipment, pool filters and pumps, water heaters and similar items) if such equipment is screened from view

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\* Art. IV Am., Oct. 22, 1984, Ord. No. 273

Art. IV Am., Aug. 17, 1987, Ord. No. 287

\* Art. IV Am., Sept. 9, 2002, Ord. No. 362

\* Sec. 400, Par. 1 Am., June 19, 1978, Ord. No. 225

\* Sec. 400, Par. 5, 6, 7, 8 Am. Sept. 9, 2002, Ord. No. 362

from the street and adjacent properties and located in accordance with other applicable codes and ordinances.

- 7.\* Automobile parking not in excess of the number of automobiles owned by the occupants in garages or on drives which conform to Article XIV. Truck-parking for one truck not to exceed ten thousand (10,000) pounds. A truck permitted under this Section shall be kept in a fully enclosed building. Notwithstanding the foregoing provisions of this subsection, parking of any motor vehicle that exhibits two (2) or more of the following characteristics is not a principal use permitted in residential districts:
- (a) The vehicle is used as a means of transportation for a resident in the conduct of his or her employment or profession.
  - (b) Any signage, lettering, numbers, logo or similar information is placed on the vehicle exterior or mounted or placed inside the vehicle in such a fashion as to convey an advertising message to the public.
  - (c) The vehicle contains permanently mounted exterior brackets or holders for ladders, tools or other similar equipment.
- 8.\* In those instances where lots abut directly onto Lake St. Clair, parking (of vehicles allowed under subsections 5 or 7 hereof) may be permitted on the street side of the lot. Parking is not permitted on the Lake side of the lot.
- 9\* . Refrigeration equipment used for central air conditioning purposes and heat pump units as provided in Code No. 11-11, and mechanical equipment used for electricity generation purposes as provided in applicable city ordinances.

#### SEC. 401. CONDITIONAL USES:

The following uses shall be permitted if (1) the City Council finds that the conditions imposed for each use are met, (2) the City Council approves a site plan for the project and (3) the City Council finds that the criteria of Article XXV are met.

1. Utility and public service facilities and uses (without storage yards) when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity.
- 2.\* Manufactured One-Family Detached Dwelling Units if the following conditions are satisfied:
  - A. Such dwelling units shall conform to all applicable City codes and ordinances.

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\* Sec. 400, Par. 9, Added, Jan. 7, 1985, Ord No. 275, Am. Sept. 9, 2002, Ord. No. 362

\* Sec. 401, Par. 2 Am. Sept. 9, 2002, Ord. No. 362

- B. Such dwelling units shall be permanently attached to an approved foundation pursuant to the manufacturer's recommended setup and installation standards, or the mobile home setup and installation standards promulgated by any applicable federal or state agency or department.
- C. All telephone, cable and electrical utility lines, pipes and tanks are underground.
- D. Such dwelling units shall be provided with exterior finish materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential districts.
- E. Such dwelling units shall be provided with roof designs and roofing materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential districts.
- F. Such dwelling units shall be provided with an exterior building wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed three (3) to (1), or otherwise is in conformity with the configuration of site-built dwelling units on adjacent properties or in the surrounding residential districts.

In reviewing any proposed Manufactured One-Family Detached Dwelling Unit, the City Council may require the applicant to furnish such plans, elevations and similar documentation as it deems necessary to permit a complete review of evaluation of the proposed dwelling unit and building site. In its evaluation of such proposed use, the City Council shall seek to promote the compatibility of the character of nearby dwelling units.

3. Satellite dish or disc type antennas or receivers located on the ground in rear yards, provided the City Council finds such structures will be adequately landscaped or fenced to screen them from view from the public right of way and from first floor levels of nearby residential properties. Such antennas or receivers shall be located as required by Articles XIII and XV.

A site plan for a satellite antenna shall include (1) the proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna; (2) the proposed method of screening the antenna from public view, and (3) any other pertinent information necessary to evaluate the proposed antenna and its location.

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**SEC. 402.\* AREA AND BULK REQUIREMENTS:**

The provisions of Article XIII shall be followed with the following exceptions and additions:

1. All structures on lots abutting Lake Shore Drive will be set back at least 75 feet from the Lake Shore Drive right of way.
- 2.\* In residential districts, the front set back as specified in Article XIII for any lot is modified to equal the average of the existing set backs on the lots on one side of the street, between two intersecting streets, if fifty percent of those lots have a front open space of greater or lesser depth than 25 feet in the R-1 and R-1A districts and 30 feet in the R-1AA and R-1AAA districts; provided, however, that no front set back shall be required to exceed 75 feet or more than one-third of the depth of the lot nor shall a front set back be permitted which is less than twenty (20) feet.
3. For lots of record having a depth of less than one hundred (100) feet and existing at the passage of this Ordinance, the front set back may be reduced to one-fourth (1/4) of the lot depth, provided that the front set back required by this Section shall not be less than twenty (20) feet.

**SECTION 403.\***

Each dwelling shall have an enclosed garage (either an attached garage or an accessory structure). In the R-1-AA and R-1-AAA districts such enclosed garage shall be sufficient for at least two (2) standard size motor vehicles; in all other residential districts such enclosed garage shall be sufficient for at least one (1) standard size motor vehicle. A dwelling may not have more than one (1) attached garage, and any such attached garage may not have more than four (4) bays for standard size motor vehicles.

**SECTION 404.\* VISIBILITY REQUIREMENTS**

No structure, fence, wall, hedge, bushes, shrubs, trees or other plantings shall be erected or maintained in any residential district in a manner or location that could obstruct the view of operators of motor vehicles or pedestrians approaching any street intersection or the entrance to any public or private driveway or access road. The area of unobstructed view at an intersection, driveway or access road shall be a

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\* Sec. 402, Am., June 7, 1976, Ord No. 208

\* Sec. 402, Par. 2 Am., Sept. 9, 2002, Ord. No. 362

\* Sec. 403, Added, Apr. 5, 1976, Ord. No. 208, Am. Mar. 10, 2003, Ord. No. 366

\* Sec. 404 Added, Aug. 6, 1979, Ord. No. 237

Sec. 404 Deleted, Jan. 7, 1985, Ord. No. 275

\* Sec. 404 (revised), Added Sept. 9, 2002, Ord. No. 362



triangular area formed by the curb line of each street, driveway or access road and a straight line between the applicable curb lines terminating twenty-five (25) feet along each curb line from the intersection or entrance (provided that for driveway access to any interior residential lot, the area of unobstructed view shall be a triangular area formed by the edge of the driveway, the intersecting property line and a straight line connecting them seven (7) feet along each line from the intersecting point). Within such area of unobstructed view, fences, walls, hedges, bushes, shrubs, trees or other plantings shall be prohibited within a zone of two (2) feet above grade level (measured at the curb line) to eight (8) feet above grade level (measured at the curb line).

## ARTICLE V\*

## RC ONE-FAMILY ATTACHED RESIDENTIAL CLUSTER DISTRICT

## PREAMBLE:

The RC One-Family Attached Residential Cluster Option is intended to provide design flexibility for those areas where the conventional one-family lot subdivision approach would otherwise be restrictive. It is the intent of this Section to provide an option for the development of areas where natural features would be destroyed from conventional subdividing of property. It is the further intent of this Section to introduce a housing form which will be compatible with the low-density single-family pattern throughout the city.

## SEC. 500.\*

One-family attached residential clusters are permitted on parcels of 5 acres or more located in the R-1-AAA or R-1-AA District when the City Council determines that such a development has advantages over a single family subdivision development. Property located in the R-1-AAA or R-1-AA may be approved for cluster development, if the City Council finds that at least one of the following conditions exists:

1. The depth and/or width of the property makes normal subdividing difficult.
2. The parcel contains acute angles which make normal subdividing difficult.
3. The parcel contains natural assets which could be preserved through the use of cluster development.
4. The cluster option will allow flexibility in the design and placement of open space for a sound physical transition from adjacent major thoroughfares.

An application for a cluster development shall not be approved by the City Council if:

1. The City Council finds that the proposed development would be contrary to the health, safety and general welfare of the developed and established residential areas in the immediate vicinity; or
2. The City Council finds that the proposed development would be contrary to the purpose of the cluster option, which is to maintain natural areas, topography, and open space characteristics in a given area.

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\* Art. V Am., Dec. 20, 1982, Ord. No. 260

\* Sec. 500, Am., Aug. 17, 1987, Ord. No. 287

If the City Council finds that a parcel qualifies for cluster development, the minimum yard setback, lot sizes and side yard sizes may be waived and the attachment of dwelling units may be permitted subject to the regulations incorporated in Article XIII and the following:

1. The units may be attached only through a common party wall which does not have over 30% of the plan view overlap of any wall in common with an abutting dwelling wall, or by means of an architectural wall which does not form an interior room space, or through a common party wall in only the garage portion of the abutting structure. No other common party wall is permitted.
2. The maximum number of units attached in any cluster grouping shall not exceed four (4).
3. The City Council shall find that all proposed projects are adequately served by all public utilities or shall require that all proposed projects be provided by the developer with adequate service of all public utilities.

#### SEC. 501. SITE CONSIDERATION:

The cluster development shall comply with the following provisions:

1. A landscaped greenbelt shall be provided on those sides abutting One-Family Residential Districts for a physical transition. Where necessary, a berm or decorative screening shall be erected and maintained in this greenbelt area. Said greenbelt may be used in area computations in establishing density. The design of the greenbelt and the accompanying landscape plan shall be prepared by a Registered Landscape Architect.
2. No structure shall be less than 50 feet from a perimeter lot line and off-street parking shall not be permitted within 50 feet of such perimeter lot lines.
3. Access roads and service drives may be developed as private roads. Where the City Council finds that a road through the development area is required to be dedicated to the public to provide continuity to the municipality's street system, such road shall be dedicated as a public road. All public roads shall be excluded from the land area used to compute density.
4. No unit in a cluster abutting an existing recorded subdivision zoned as a One-Family Residential District shall be less than 100 feet from the property line of the One-Family Residential District.
5. Two fully enclosed parking spaces within buildings constructed of the same material as the cluster units shall be provided for each unit.
6. To the extent possible, all natural features of the property such as large trees, natural groves, watercourses and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved.

7. At least 2 trees per unit shall be provided. Said trees shall have at least a 3 inch caliper measured 1 foot above the ground.
8. Sidewalks shall be provided along all roads and in any area as the City Council finds necessary to insure pedestrian safety.

SEC. 502. PRELIMINARY PLAN:

1. The sponsor of a cluster development shall submit copies of a preliminary plan with a written application to the building department. The preliminary plan shall be drawn to scale and show the arrangement of dwelling units, streets, and open space. Dimensions of these elements shall be shown but may be approximated. It is the intent of this section that the preliminary plan be done in sufficient detail to permit planning review and yet not require precise engineering plans. The Building Department or City Council may require alterations to be made in the preliminary plan if necessary to comply with the intent of this section. The preliminary plan shall include the following:
  - a. An overall map showing the parcel and surrounding property within one-half (1/2) mile of the parcel including major and secondary streets.
  - b. Property and lot lines and public and private streets of adjacent tracts of subdivided and unsubdivided property within 200 feet of the proposed development.
  - c. Location of existing sewers, water mains, storm drains and other underground facilities within or immediately adjacent to the proposed property.
  - d. Topography drawn at 2 foot contour intervals, preliminary landscaping plans, and all computations relative to acreage and density.
  - e. The Building Department and/or City Council may request typical building elevations and floor plans and any other details which assist in reviewing the proposed plan.
2. The sponsor shall submit a written statement regarding the following with his preliminary plan:
  - a. The identity of persons who will hold title to open land.
  - b. The identity of persons who will pay taxes.
  - c. The proposed method of regulating the use of open land and the persons or corporations responsible for maintenance.
  - d. The proposed financing for the maintenance and development of the property.

3. Upon receipt of all the necessary material and plans, the Building Department shall review all the details of the proposed plan to determine compliance with the zoning ordinance. The Building Department shall submit a report to the City Council stating the manner, if any, in which the proposed development does not comply with the provisions of the zoning ordinance.

Upon completion of the Building Department analysis, the Plan shall be submitted to the City Council for review. After reviewing the preliminary plan, the City Council may require the sponsor to submit detailed plans showing detailed building locations, final topography drawn at 2 foot contour intervals, all computations regarding acreage and density, further details relating to the proposed berm and access areas, landscaping, typical building elevation and floor plans, driveways and parking and all other items which the City Council deems necessary for its final review.

If the City Council is satisfied that all necessary plans and materials have been submitted, it shall set a public hearing to determine if the parcel may be developed as a cluster.

#### SEC. 503. PUBLIC HEARING:

1. After a public hearing is scheduled, a notice of the application shall be published in a newspaper with general circulation in the City of Grosse Pointe Farms and shall be sent by certified mail to the owners of the property subject to the application, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 5 and not more than 15 days before the application will be considered at a public hearing. The party making the application shall cause this notice to be given. The notice shall set forth:
  - a. The nature of the development, use, structure, or activity for which the application has been made;
  - b. The property which is the subject of the application;
  - c. The time and place of the public hearing to be held to consider the application;
  - d. The time and place written comments will be received concerning the application.
2. After considering the application at a public hearing, the City Council shall approve the request if in addition to meeting the requirements of Sections 500 and 501, it finds that the proposal complies with the following standards:
  - a. The proposed cluster development will be compatible with adjacent land uses, the natural environment and natural resources, and the capacities of public services and facilities affected by the proposal;

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- b. The proposed development will promote the use of land in a socially and economically desirable manner, and maintain the character of the area;
    - c. The proposed development is consistent with the public health, safety, and welfare of the residents of Grosse Pointe Farms.
  3. The City Council may approve with conditions the application. The City Council's decision shall contain a statement of its conclusions and shall specify the basis for the decision and any conditions imposed. Any conditions imposed shall be reasonable, and shall be designed to insure that the standards set forth in this article are met. These conditions may include but are not limited to increasing the required lot or required yard sizes, limiting the height of buildings, controlling width, increasing the number of off-street parking spaces, and requiring fencing, screening and landscaping to protect nearby property values.

To insure compliance with this Ordinance and any conditions imposed hereunder, the City Council, Board of Zoning Appeals or Director of Public Service may require the posting of a cash deposit, letter of credit, or surety bond, covering the estimated cost of improvements, to be deposited with the City Clerk to ensure completion of the improvements.

- a. A specified time period for development. Failure to begin construction within 12 months of approval of the development by the City Council shall make the approval null and void unless an extension is requested, in writing, by the applicant and the request is granted by the City Council.
  - b. A provision that the property owners shall pay annually their pro rata share of the cost of maintenance of common areas, private roads, streets, sewage and water systems, if any. Such annual assessment shall accrue for the benefit of all owners and may be enforced jointly and severally by other property owners in the development.
  - c. The provision requiring each property owner to maintain and keep his or her home in good repair and in conformity with standards established for the development.
4. The developer shall record a statement of restrictive covenants, including all conditions imposed by the City Council, with the Register of Deeds for Wayne County. The developer shall submit the statement to the City Attorney and City Council for review prior to recording. Upon approval by the City Council, the restrictions shall be recorded and become binding upon persons owning lots in the development. Said restrictions shall include but not be limited to:
  - a. A specified time period for development. Failure to begin construction within 12 months of approval of the development by the City Council shall make the approval null and void unless an extension is requested, in writing, by the applicant and the request is granted by the City Council.
  - b. A provision that the property owners shall pay annually their pro rata share of the cost of maintenance of common areas, private roads, streets, sewage and water systems, if any. Such annual assessment shall accrue for the benefit of all owners and may be enforced jointly and severally by other property owners in the development.
  - c. The provision requiring each property owner to maintain and keep his or her home in good repair and in conformity with standards established for the development.
5. A fee shall be paid at the time an application is filed with the Building Department in the amount established by the Building Department and approved by resolution of the City Council.

## ARTICLE VI

## RM MULTIPLE-FAMILY RESIDENTIAL DISTRICT

## PREAMBLE:

The RM Multiple-Family Residential Districts as herein established are intended to provide sites for multiple-family dwelling structures which will generally serve as zones of transition between the nonresidential districts and One-Family Residential Districts, and between high traffic carrying thoroughfares and One-Family Residential Districts. The Multiple-Family Residential Districts are further provided to serve the limited needs for the apartment type of unit in an otherwise fully developed low-density, single-family community.

## SEC. 600.\* PRINCIPAL USES PERMITTED:

In an RM Multiple-Family Residential District the use of land, the location and erection of new buildings or structures, and the alteration and enlargement of existing buildings or structures shall conform to the following specified uses unless otherwise provided in this Ordinance.

1. All principal uses permitted in an R-1-AA, R-1-A and R-1 One-Family Residential District with the lot area, yards and floor area requirements of the immediately abutting Residential District.
2. All principal uses permitted in an RC One-Family Attached Residential District with at least the minimum lot area, density and yard requirements of the RC District provided.
3. Multiple-family dwellings when the following conditions are met:
  - a. The site shall abut a major thoroughfare right-of-way so as to provide for ingress to and egress from said site directly onto a major thoroughfare and not by means of a lesser right-of-way or residential street.
  - b. The site shall be of such physical dimension so as to permit groupings of buildings as opposed to a lineal development along a street.
  - c. The City Council shall find that all proposed projects are adequately served by all public utilities or shall require that all proposed projects be provided by the developer with adequate service of all public utilities.
4. Parking, all provided within fully enclosed structures of the same type of material as the principal building which exist as a physical part of the principal building, and provided in the ratio of at least two (2) parking spaces per dwelling unit.

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\* Sec. 600 Am., Aug. 17, 1987, Ord. No. 287

5. Fences in accordance with Code 11.03.
6. Accessory buildings and uses customarily incident to any of the above permitted uses.

SEC. 601.\* USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted after review and approval of the site and architectural plans by the City Council, subject to the conditions herein imposed for each use:

1. Those conditional uses listed in Article IV, Section 401.
2. Permit the conversion of large residential structures when said conversion results in a multiple-family dwelling, situated in an RM Multiple-Family District and meeting all area and bulk requirements of ARTICLE XIII, "SCHEDULE OF REGULATIONS." In permitting such conversion, the City Council shall find that:
  - a. Said residential structure is situated on a site on which additional new residential structures are to be constructed, it being the specific intent of this section to prohibit the conversion of large residential structures situated in the midst of an otherwise built-up residential subdivision.
  - b. The structure to be converted shall not have any additions added so as to expand the living space of the structure beyond the present exterior walls or roof line.
  - c. Parking shall be provided off-street at the ratio of two (2) parking spaces for each dwelling unit. This parking shall be fully enclosed and no waiver or variance of this standard shall be permitted.
  - d. The City Council shall be provided with such material relative to the proposed conversion so as to fully demonstrate that it is economically unreasonable to remove the structure.
  - e. The City Council shall further discern that conversion has not destroyed any historical significance that is presented as a purpose for retention of the structure.
  - f. In a conversion, all requirements of all City Codes shall be met prior to the issuance of an occupancy permit.
  - g. In considering the conversion of large residential structures, the City Council shall hold a Public Hearing at which the applicant will be heard. The Public Hearing date shall be set by the City Council and shall be held no later than sixty (60) days from the date of filing of the site plan and all supporting documentation.

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\* Sec. 601 Am., Aug. 17, 1987, Ord. No. 287



The applicant will, not less than fifteen (15) days prior to the hearing by the Council, cause notice of said Public Hearing to be given by registered or certified mail to all owners of lots of record within three hundred (300) feet of any point on the lot or lots affected by the appeal and by advertising a notice of hearing in the official paper of the City.

**SEC. 602. AREA AND BULK REQUIREMENTS:**

See ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density.

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ARTICLE VII

CS COMMUNITY SERVICE DISTRICT

PREAMBLE:

The CS Community Service Districts as herein established are intended to provide suitable locations for desirable and necessary public activities which serve the residents of the City and to limit the location, size and character of such uses so that the activity which they generate does not become a nuisance and will not overburden the facilities of the City.

SEC. 700. PRINCIPAL USES PERMITTED:

In a CS Community Service District, the use of land, the location and erection of new buildings or structures and the alteration and enlargement of existing buildings or structures shall conform to the following specified uses unless otherwise provided in this Ordinance.

1. Public, parochial and other private elementary, intermediate and high schools offering courses in general education.
2. Churches.
3. Community and Cultural Centers.
4. Municipal buildings and uses.
5. Hospitals.
6. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 701.\* CONDITIONAL USES:

The following uses shall be permitted if (1) the City Council finds the conditions imposed for each use are met, (2) the City Council approves a site plan for the project, and (3) the City Council finds that the criteria of Article XXV are met.

1. Public Utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, provided such uses place all storage within a fully enclosed building.

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\* Sec. 701 Am., Oct. 22, 1984, Ord. No. 273

2. Satellite dish or disc antennas or receivers provided the City Council finds such structures will be adequately landscaped or fenced to screen them from view from public rights of way and adjacent properties. Such antennas or receivers shall be located as required by Article XIII.

A site plan for a satellite antenna shall include (1) the proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna; (2) the proposed method of screening the antenna from public view, and (3) any other pertinent information necessary to evaluate the proposed antenna and its location.

3. Other uses which are reviewed by the City Council and are found to be similar to and having the same general character as enumerated principal uses and which are not injurious to the surrounding neighborhood.

**SEC. 702. AREA AND BULK REQUIREMENTS:**

See ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density.

## ARTICLE VIII\*

## B-1 LOCAL BUSINESS DISTRICTS

## PREAMBLE:

The B-1 Local Business Districts are intended to provide suitable locations for those commercial activities which primarily serve the residents of the surrounding neighborhood and are compatible within themselves and are not detrimental or injurious to contiguous residential areas.

SEC. 800. PRINCIPAL USES PERMITTED: The following specified uses are permitted provided that such uses do not include the operation of any machine or conduct of any activity which is offensive by the reason of the emission of odor, fumes, dust, smoke, waste or noise:

1. Convenience and personal service type stores and shops such as grocery, drugs, hardware, variety, clothing, furniture, barber and beauty, but excluding auto service stations;
2. Executive, administrative, banking, financial, legal, real estate, insurance, engineering, medical and dental offices, medical clinics, and offices for similar occupations.
3. Eating establishments not in the character of a "drive-in" or "open front" facility.
- 4.\* Automatic teller machines upon approval of the Director of Public Safety if he or she finds that such machines (1) are self-contained and separated from the main business area and building interior, (2) are continuously visible from an adjoining right-of-way, (3) are well-lighted and (4) contain a continuously operating surveillance camera satisfying standards established from time to time by the Director of Public Safety. The Director of Public Safety may order the discontinuation of any automatic teller machine that does not meet the foregoing requirements, whether or not such machine was in operation prior to the enactment of such requirements.
5. Accessory buildings and uses customarily incidental to any permitted use.
- 6.\* Off-street parking in accordance with ARTICLE XV.
7. Outdoor or open air sales by temporary permit granted by the City Council for a specified period of time, if the outdoor or open air sale will not interfere with safe pedestrian flow in public rights-of-way.
8. Storage of goods is permitted if such goods are kept within a building.

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\* Art. VIII Am., Apr. 2, 1984, Ord. No. 270

\* Sec. 800, Par. 4 Am. Sept. 9, 2002, Ord. No. 362

\* Sec. 800, Par. 6 Added, Apr. 5, 1976, Ord No. 206

## SEC. 801. CONDITIONAL USES:

The following uses shall be permitted if (1) the City Council finds that the conditions imposed for each use are met, (2) the City Council approves a site plan for the project and (3) the City Council finds that the criteria of Article XXV are met.

1. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulatory stations, provided that goods are stored in a fully enclosed building.
2. Drive-in windows accessory to a bank or other financial institution provided that sufficient space is provided for vehicles in line to use the drive-in window and such traffic will not interfere with pedestrian or automobile flows.
3. Other uses which are reviewed by the City Council and are found by the Council to be similar to and having the same general character as enumerated principal uses and which are not injurious to the surrounding uses.
- 4.\* Satellite disc or dish antennas or receivers provided the City Council finds such structures will be adequately landscaped or fenced to screen them from view from public rights of way and adjacent properties.

A site plan for a satellite antenna shall include (1) the proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna; (2) the proposed method of screening the antenna from public view, and (3) any other pertinent information necessary to evaluate the proposed antenna and its location.

## SEC. 802. AREA AND BULK REQUIREMENTS:

See ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, and the minimum size of lot permitted by land use.

## SEC. 803.\* REQUIRED CONDITIONS:

Any trade, profession or business use permitted in a B-1 Local Business District shall not conduct trade or business between the hours of 12:00 midnight and 6:00 a.m. unless, after application and hearing before the City Council pursuant to Article XXV hereof, it is determined

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\* Sec. 801, Par. 4 Added, Oct. 22, 1984, Ord No. 273

\* Sec. 803 Added, June 12, 1989, Ord No. 298

to be in the interest of the public health and welfare to allow such business to operate during such hours.

## ARTICLE IX

## B-2 COMMERCIAL DISTRICT

## PREAMBLE:

The B-2 Commercial Districts as herein established are intended to provide suitable locations for those commercial activities which function relatively independent of intensive pedestrian traffic and proximity of other firms. These activities, primarily because of their relation to one another, require direct auto access and visibility from the road. These activities, however, may share common parking areas directly accessible to each.

## SEC. 900. PRINCIPAL USES PERMITTED:

In a B-2 Commercial District the use of land, the creation and erection of new buildings or structures, and the alteration and enlargement of existing buildings or structures shall conform to the following specified uses unless otherwise provided in this Ordinance:

1. Any use permitted in the B-1 District.
2. Shoe repair, clothes cleaning or laundry.
3. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
4. Eating and drinking establishments, not in the character of a "drive-in" or "open front" facility.
5. Appliance sales and repair shops, including heating, plumbing and electrical supplies.
6. Auto service stations, except garages in which the principal use is auto repair.
7. Parking in accordance with ARTICLE XV, GENERAL PROVISIONS.
8. Accessory buildings and uses customarily incidental to any of the above permitted uses.

## SEC. 901. SITE CONSIDERATIONS:

In reviewing the plans and approving the application of this Section to a particular site, the City Council shall require the following:

1. The site considerations required in Section 801 shall be required for all uses in Section 900 where applicable.

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**SEC. 902.\* USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:**

The following uses shall be permitted after review of the site plan by the City Council, subject to the conditions herein imposed for each use:

1. Public utility buildings, telephone exchange, transformer station and substation, and gas regulator station with all storage fully enclosed within a building.
2. Outdoor or open sales by temporary permit may be granted for a specified period of time. It shall be found that outdoor or open sales will not interfere with safe pedestrian flow in public rights-of-way.
3. Other uses if (1) the City Council finds such use is similar to and has the same general character as enumerated principle uses and is not injurious to the surrounding uses, (2) the City Council approves a site plan for the project and (3) the City Council finds the criteria of Article XXV are met.
4. Satellite dish or disc antennas or receivers provided the City Council finds such structures will be adequately landscaped or fenced to screen them from view from public rights of way and adjacent properties. Such antennas or receivers shall be located as required by Article XIII.

A site plan for a satellite antenna shall include (1) the proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna; (2) the proposed method of screening the antenna from public view, and (3) any other pertinent information necessary to evaluate the proposed antenna and its location.

**SEC. 903. AREA AND BULK REQUIREMENTS:**

See ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, and the minimum size of lot permitted by land use.

**SEC. 904.\* REQUIRED CONDITIONS:**

Any trade, profession or business use permitted in a B-2 Commercial District shall not conduct trade or business between the hours of 12:00 midnight and 6:00 a.m. unless, after application and hearing before the City Council pursuant to Article XXV hereof, it is determined to be in the interest of the public health and welfare to allow such business to operate during such hours. Notwithstanding the foregoing, any establishment possessing a valid Class C License for the

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\* Sec. 902, Par. 4 Added, Oct. 22, 1984, Ord No. 273

\* Sec. 904 Added, June 12, 1989, Ord. No. 298



service of alcoholic beverages shall not conduct trade or business other than during the hours established by the Michigan Liquor Control Commission.

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ARTICLE X

O-1 OFFICE DISTRICTS

PREAMBLE:

The O-1 Districts are designed to accommodate office buildings and uses, and basic personal services and are, as a use district, intended to serve the function of land use transition between the Local Business and Commercial Districts, major thoroughfares, and the adjacent Residential Districts.

SEC. 1000. PRINCIPAL USES PERMITTED:

In an O-1 Office District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Office buildings for any of the following occupations: executive, administrative and professional.
2. Medical and dental offices, including clinics.
3. Banks and other financial institutions.
4. Municipal buildings and public utility offices, but not including storage yards, transformer stations, exchanges or substations.
5. Other uses similar to the above and subject to Board review and approval thereof.
6. Parking in accordance with ARTICLE XV, GENERAL PROVISIONS.
7. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SEC. 1001. AREA AND BULK REQUIREMENTS:

See ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings and the minimum size of lot as permitted by land use.

## SEC. 1002.\* CONDITIONAL USES:

The following uses shall be permitted if (1) the City Council finds the conditions imposed for each use are met, (2) the City Council approves a site plan for the project, and (3) the City Council finds that the criteria of Article XXV are met.

1. Satellite dish or disc antennas or receivers provided the City Council finds such structures will be adequately landscaped or fenced to screen them from view from public rights of way and adjacent properties. Such antennas or receivers shall be located as required by Article XIII.

A site plan for a satellite antenna shall include (1) the proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna; (2) the proposed method of screening the antenna from public view, and (3) any other pertinent information necessary to evaluate the proposed antenna and its location.

2. Other uses which are reviewed by the City Council and are found to be similar to and having the same general character as enumerated principal uses and which are not injurious to the surrounding neighborhood.

## SEC. 1003.\* REQUIRED CONDITIONS:

Any trade, profession or business use permitted in a O-1 Office District shall not conduct trade or business between the hours of 12:00 midnight and 6:00 a.m. unless, after application and hearing before the City Council pursuant to Article XXV hereof, it is determined to be in the interest of the public health and welfare to allow such business to operate during such hours.

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\* Sec. 1002 Added, Jan. 7, 1985, Ord. No. 275

\* Sec. 1003 Added, June 12, 1989, Ord. No. 298

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ARTICLE XI

CR COMMUNITY RECREATIONAL DISTRICT

PREAMBLE:

The CR Community Recreational District as herein established is intended to provide suitable location for desirable and necessary public and private nonprofit recreational areas which may be used by the residents of the City but also to limit the locations, size and character of such so that the activity which they generate does not become a nuisance or overburden the facilities of the residential community.

SEC. 1100. PRINCIPAL USES PERMITTED:

In a CR Community Recreational District the use of land, the location and erection of new buildings or structures, and the alteration and enlargement of existing buildings or structures shall conform to the following specified uses unless otherwise provided in this Ordinance:

1. Private non-profit recreational clubs, parks, playgrounds, golf courses, ball fields, athletic fields, tennis courts, and swimming pools, and similar recreational facilities.
2. Parking in accordance with ARTICLE XV, GENERAL PROVISIONS.
3. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SEC. 1101. AREA AND BULK REQUIREMENTS:

See ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings and the minimum size of lot as permitted by land use.

SEC. 1102.\* CONDITIONAL USES:

The following uses shall be permitted if (1) the City Council finds the conditions imposed for each use are met, (2) the City Council approves a site plan for the project, and (3) the City Council finds that the criteria of Article XXV are met.

1. Satellite dish or disc antennas or receivers provided the City Council finds such structures will be adequately landscaped or fenced to screen them from view from public rights of way and adjacent properties. Such antennas or receivers shall be located as required by Article XIII.

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\* Sec. 1102 Added, Jan. 7, 1985, Ord. No. 275

A site plan for a satellite antenna shall include (1) the proposed location of the antenna and detailed plans and specifications indicating its size, weight, color and specific materials to be used in construction of the antenna; (2) the proposed method of screening the antenna from public view, and (3) any other pertinent information necessary to evaluate the proposed antenna and its location.

2. Other uses which are reviewed by the City Council and are found to be similar to and having the same general character as enumerated principal uses and which are not injurious to the surrounding neighborhood.

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ARTICLE XII\*

P-1 VEHICULAR PARKING DISTRICTS

PREAMBLE:

The P-1 Vehicular Parking Districts are designed to accommodate the off-street parking for those non-residential uses which are unable to provide adequate space within their own district boundaries.

SEC. 1200. PERMITTED USES:

1. Off-street vehicular parking areas if the City Council has approved a site plan for the project.

SEC. 1201. SITE CONSIDERATION:

The sponsor of an off-street parking area shall submit a site plan with an application for the development. In reviewing the plan, the City Council shall consider the following:

LIMITATION OF USE:

1. The parking area shall be accessory to, and used in connection with one or more business or office establishments, or in connection with one or more existing institutional, office building, or business uses.
2. Parking area shall be used solely for parking of private passenger vehicles and delivery vehicles that serve adjacent uses.
3. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
4. No signs of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained on such parking area.
5. Except as provided in section 7, no building other than those for shelter of attendants shall be erected upon the parking area.
6. Such parking lots shall be situated on premises which have an area of not less than four thousand (4,000) square feet, unless otherwise permitted by the City Council.

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\* Art. XII Am., Apr. 2, 1984, Ord. No. 270

**ENTRANCE AND EXIT:**

1. Plans for the layout of the parking area shall be in the manner provided in ARTICLE XV.
2. Adequate entrance and exit for vehicles to premises used as a parking area shall be provided and shall be by means of streets or alleys adjacent to or extending through B-1, B-2 and O-1 Districts, or by means of private roadways extending through such districts. All such roadways shall be surfaced in a manner at least equivalent with that which is hereinafter provided for the parking area.
3. Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any residential district.

**MINIMUM DISTANCES AND SETBACKS:**

1. **SIDE YARDS** Where the P-1 District is contiguous to side lot lines of premises within a residentially zoned district, a wall shall be required on the side lot line adjacent to the residential unit, or adjacent residential district.
2. **FRONT YARDS** Where the P-1 District is contiguous to a residentially zoned district which has a common frontage on the same block, there shall be a setback equal to the required residential setback for said residential district. A wall shall be required on this minimum setback line.

**WALLS, SCREENING AND LANDSCAPING:**

These elements are subject to the provisions of ARTICLE XV.

**SURFACE OF PARKING AREA:**

The parking area shall be provided with concrete or asphalt pavement having a permanent, durable and dustless surface and shall be graded and drained as to dispose of all surface water accumulated within the area. The parking area shall be surfaced within one year of occupancy of the use it is to serve if it is for a new use, and within six (6) months of the effective date of the rezoning for P-1 Vehicular Parking use if the parking area is to serve an existing use or uses. Suitable bond shall be provided to assure completion of paving within the specified time after issuance of the certificate of occupancy or rezoning for parking use.

**LIGHTING:**

This element is subject to the provisions of ARTICLE XV.

MISCELLANEOUS:

1. Upon application by the property owner of the parking area, the Council may modify the yard and wall requirements where, in unusual circumstances no purpose would be served by compliance with the requirements of this Article.
2. In all cases where a wall extends to an alley which is a means of ingress and egress to a parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

SEC. 1202. CONDITIONAL USES:

The following uses shall be permitted if (1) the City Council finds that the conditions imposed for each use are met, (2) the City Council approves a site plan for the project and (3) the City Council finds that the criteria of Article XXV are met.

1. Any use which the City Council finds is compatible with the off-street vehicle parking area and is not injurious to surrounding uses.
2. Parking in a deck facility when the City Council finds that such facility will not be injurious to abutting property, and that the deck type of facility is a suitable means of alleviating off-street parking demand.



SEC. 1300. STANDARDS LIMITING HEIGHT, BULK, DENSITY & AREA BY LAND USE

Minimum Lot Size		Maximum Building Height		Minimum Structure Setbacks					Minimum Dwelling Content Area (Sq. Ft.)	Maximum Percentage of Lot Coverage (Area of All Buildings) (j)
Use District	Area In Sq. Ft.	Width in Feet	In Stories	In Feet	Front	Side Yards				
						One	Total Of Two	Rear		
R-1-AAA	20,000	150	2-1/2	30	30	15(k)	30(k)	40	(f)	25%
R-1-AA	15,000	120	2-1/2	30	30	15(k)	30(k)	40	(f)	25%
R-1-A	6,000	60	2-1/2	30	25	5	15(a)	30	(f)	30%
R-1	5,000	50	2-1/2	30	25	4	14(a)	30	(f)	35%
RC	(b)	(b)	2-1/2	30	25(c)	(c)	(c)	30(c)	(f)	35%
RM	(d)	(d)	2-1/2	30	(e)	(e)	(e)	(e)	(f)	40%
CS	11,000	100	N/A	45	25	15(g)	15(g)	30(h)	N/A	30%
B-1	2,000	20	2	30	0	(i)	(i)	(i)	N/A	N/A
B-2	2,000	20	2	30	0	(i)	(i)	(i)	N/A	N/A
O-1	2,000	20	2	30	0	(i)	(i)	(i)	N/A	N/A
CR	N/A	N/A	N/A	45	25	15(g)	15(g)	30(h)	N/A	30%

## SEC. 1300.\* NOTES TO SCHEDULE OF REGULATIONS:

- (a) In those instances where there is an attached garage, the total of the two (2) yards may be reduced to ten (10) feet in the R-1-A District, and eight (8) feet in the R-1 District.
- (b) The density of the total development shall not exceed 3 dwelling units per acre, excluding public roads.
- (c) No cluster unit shall be nearer to a street right of way than 25 feet or if no right-of-way is required, closer than 50 feet from the center of any public or private paved road. If the unit abuts Lake Shore Drive the setback shall be equal to at least 75 feet.

Each cluster of attached dwellings shall be located at least 20 feet from every other cluster of attached dwellings, measured between the nearest point of said groupings. No cluster unit shall be located less than 50 feet from a one-family residential boundary, provided, however, that if the cluster abuts an existing recorded subdivision zoned as a one-family residential district, it shall not be less than 100 feet from the boundary. No cluster unit shall be located less than 30 feet from a non-residential district boundary.

- (d) The total number of rooms (other than kitchen and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by two thousand (2,000). All units shall have at least one (1) living room and one (1) bedroom. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

One Bedroom Unit	= 2 rooms	(Plans presented showing 1, 2 or more bedroom units and including a “den,” “library,” or other extra room, shall count such extra room as a bedroom for the purpose of computing density.)
Two Bedroom Unit	= 3 rooms	
Three Bedroom Unit	= 5 rooms	
Four Bedroom Unit	= 6 rooms	

- (e) All exterior yards and yards on major thoroughfares shall be at least seventy-five (75) feet in depth. The minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings as set forth in the spacing formula, and in no instance shall this distance be less than thirty (30) feet. No building shall contain more than eight (8) dwelling units or exceed one hundred seventy-five (175) feet in length, whichever is the greater. The formula regulating the required minimum distance between two buildings in all RM Districts is as follows:

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\* Sec. 1300 Am., Oct. 22, 1984, Ord. No. 273

Sec. 1300 Am., Aug. 17, 1987, Ord. No. 287

\* Sec. 1300 Am., Mar. 10, 2003, Ord. No. 366

Sec. 1300 Am., Apr. \_\_, 2007, Ord. No. 377

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6}, \text{ where}$$

6

S= Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

L<sub>A</sub>= Total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

H<sub>A</sub>= Height of building A. The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H<sub>B</sub>= Height of building B. The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

These yards and spaces shall be considered minimum spaces and shall be unoccupied and unobstructed from the ground upward. Parking shall not cover any portion of these yards or spaces between buildings.

(f) The following regulations shall govern the minimum floor area required for dwelling units by residential district:

<u>R-1-AA and R-1-AAA One-Family</u>	<u>R-1-A One-Family</u>	<u>R-1 One-Family</u>
1 story - 2,000 sq.ft.	1 story - 1,200 sq.ft.	1 story - 1,000 sq.ft.
1 1/2 story - 2,200 sq.ft.	1 1/2 story - 1,400 sq.ft.	1 1/2 story - 1,200 sq.ft.
 <u>RC One-Family Attached</u>		 <u>RM Multiple-Family</u>
1 story		1 Bedroom Unit 1,000 sq.ft.
1 1/2 story		2 Bedroom Unit 1,250 sq.ft.
Shall conform to R-1-AA		3 Bedroom Unit 1,500 sq.ft.
One-Family Residential		4 Bedroom Unit 1,750 sq.ft.
		(For each additional bedroom

Districts.

above four (4) there shall be provided an additional two hundred fifty (250) square feet of floor area.)

- (g) The width of the side yard shall be increased four (4) feet for each twenty-five (25) persons, or major fraction thereof, in excess of seventy-five (75) persons for the accommodation for whom the building is designed, arranged and normally used provided, however, that if the exterior wall along such side yard is of fireproof construction and entirely without moveable windows or other openings (except a standard type fire door) such increase in width of a side yard shall not be required and provided, further, that a side yard of greater width than forty (40) feet shall not be required in any event.
- (h) The depth of the rear yard shall be increased four (4) feet for each twenty-five (25) persons, or major fraction thereof, in excess of seventy-five (75) persons for the accommodation for whom the building is designed, arranged, and normally used, provided, however, that if the exterior wall along such rear yard is of fireproof construction and entirely without moveable windows or other opening (except a standard type fire door), such increase in depth of a rear yard shall not be required and provided, further, that a rear yard of greater depth than sixty (60) feet shall not be required in any event.
- (i) No building shall be closer than twenty (20) feet to any residential district boundary.
- (j) Lot coverage shall equal the area covered by all buildings divided by the area of the lot.
- (k) In any case where the overall height of the building exceeds twenty-five (25) feet, each side yard adjacent to (i.e., within five (5) feet of) any portion of the building that exceeds twenty-five (25) feet shall be increased one (1) foot for each foot (or any fraction thereof) of building height greater than twenty-five (25) feet.

## ARTICLE XIV GENERAL EXCEPTIONS

## SEC. 1400.\* AREA, HEIGHT AND USE EXCEPTIONS:

The regulations in this Ordinance shall be subject to the following interpretation and exceptions:

## 1. Essential Services

Essential services authorized and regulated by law and other ordinances of the City of Grosse Pointe Farms shall be exempted from application of this Ordinance.

## 2. Voting Place

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

## 3. Height Limit

The height limitations of this Ordinance shall not apply to chimneys, provided the chimney is not more than five (5) feet above the highest point of the roof.

## 4. Terraces and Porches

An open, unenclosed and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. In no instance shall such porch or terrace be enclosed with walls, glass, screen or other material.

## 5. Projections into Yards

The following projections into required open spaces are permitted: sills, cornices, eaves, gutters, chimneys, or pilasters projecting not more than eighteen (18) inches into any required open space. Outside stairways, basement entrances, fire escapes, bay windows, balconies, unenclosed porches and other projections shall be considered as part of the principal or accessory building and shall conform to the required open space requirements; provided, however, that areas designated terraces, patios or decks, and which are constructed of earth covered with a building material or of a material other than earth, and are unenclosed and uncovered, are permitted projections into rear or side yards so long as their elevation is not higher than that of the interior first floor elevation nor higher than 24" above the exterior grade at the building.

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\* Sec. 1400, Par. 3 Am., Oct. 22, 1984, Ord. No. 273

Sec. 1400, Par. 5 Am., Apr. 5, 1976, Ord. NO. 206

Sec. 1400, Par. 6 Added, Oct. 22, 1984, Ord. No. 273

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6. Drives and Walks

Paved drives placed in required open spaces for the purpose of providing access to principal buildings or accessory structures are permitted; provided however, that any paved drive located in the front yard for any residential lot shall not exceed thirty feet in width (30') or thirty percent (30%) in coverage of the required front yard, whichever is lesser. Walks or other pavements are permitted in required yards for the purpose of providing access to rear yards or accessory structures if such pavement is not higher than nine (9) inches above the grade on which it is placed.

SEC. 1401.\* CERTAIN SATELLITE ANTENNAS OR RECEIVERS

Notwithstanding Sections 401, 701, 801, 902, 1002 and 1102 of this Ordinance, satellite dish or disc type antennas or receivers not exceeding twenty-four (24) inches in diameter shall be permitted (without the necessity of Council approval) under the following terms and conditions:

1. The antenna or receiver shall be either (a) affixed to the roof or other portion of the main building or an accessory structure such that the antenna or receiver will be screened from view from the public right of way, or (b) located on the ground in rear yards (in compliance with Articles XIII and XV of this Ordinance) with adequate landscaping or fencing to screen the antenna or receiver from view from the public right of way and from first floor levels of nearby residential properties.
2. If affixed to a structure, the color of the antenna or receiver shall, as nearly as possible, match the applicable materials of such structure in order to minimize the visual appearance of the antenna or receiver.
3. The property owner desiring to install the antenna or receiver shall, with respect to the proposed location of such antenna or receiver, obtain the consent of the owner of the adjoining property nearest such proposed location. Such consent shall be in writing and shall be filed with the City, and shall be irrevocable and binding on succeeding owners of the property with respect to the antenna or receiver for which it is given.
4. Before any antenna or receiver is installed, a written permit therefor shall be obtained from the City upon application in writing. The application shall set forth a description of the antenna or receiver (including its color), its proposed location, a description of related landscaping or fencing (if applicable), and such other information as the officers of the City

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\* Sec. 1401 Added, Feb. 13, 1995, Ord. No. 332

may reasonably require. A permit shall be issued upon determination by the administrative officers of the City that the proposed antenna or receiver (and its proposed location) complies with the provisions of this Section 1401 and upon receipt of the written consent required under subparagraph 3 above; otherwise the permit shall not be issued. A fee in the amount established by council resolution from time to time shall be paid to the City prior to the issuance of each permit.

The proposed installation of any satellite dish or disc type antenna or receiver exceeding twenty-four (24) inches in diameter, or the proposed installation of any such antenna or receiver on any tower or in any location other than as permitted under subparagraph 1 above, shall continue to require Council approval as applicable under Sections 401, 701, 801, 902, 1002 or 1102 of this Ordinance. In addition, an appeal to the Council may be taken from any action of the administrative officers of the City denying a permit for a proposed antenna or receiver not exceeding twenty-four (24) inches in diameter. Appeals must be in writing and must be filed within ten (10) days after the denial of a permit application is mailed or otherwise communicated to the applicant. The applicant must submit, together with the appeal, a site plan describing the proposed antenna or receiver, its proposed location, the proposed method of screening the antenna or receiver and any other pertinent information necessary to evaluate the proposed antenna or receiver and its location. Written notice of the time and place of the appeal hearing shall be sent by the applicant by registered mail to the owners of property adjoining any boundary of the applicant's property. The Council may upon such appeal reverse, modify or affirm the action of the administrative officers and may, in its discretion, impose reasonable conditions upon the proposed installation in the general interest of public safety, welfare and the protection of property values. Any appeal under this Section 1401 shall be in lieu of any appeal or variance proceeding under Article XVII of this Ordinance.

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**ARTICLE XV - GENERAL PROVISIONS****SEC. 1500. CONFLICTING REGULATIONS:**

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

**SEC. 1501. SCOPE:**

No building or structure, or part thereof, shall hereafter be erected, constructed, altered and/or maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

**SEC. 1502.\* NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND LAND:****1. Intent**

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses existing on the effective date of this Ordinance or amendment thereto, to continue until they are removed but not to encourage their survival. It is recognized that there exists within the district established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a

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\* Sec. 1502, Par. 4(a) Am., Mar. 25, 1974, Ord. No. 197

Sec. 1502, Par. 5(e) Am., May 7, 1979, Ord. No. 232

Sec. 1502, Par. 9 & 10 Added, Oct. 22, 1984, Ord. No. 273

Sec. 1502, Par. 10 Am., Sept. 5, 1988, Ord. No. 293, Am. Mar. 6, 2000, Ord. No. 354,

Am. Sept. 9, 2002, Ord. No. 362



building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the district involved.

To avoid hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which the actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. Nonconforming Lots of Record

Where the owner of a lot of record does not own and cannot reasonably acquire sufficient adjacent land to enable him to conform to the open space and other requirements herein prescribed, such lot may be used by said owner as a building site provided the open space and other provisions conform as closely as possible in the opinion of the Board of Zoning Appeals to the requirements for the district in which it is located.

Where two or more abutting lots of record or parts thereof are held in one ownership, either in fee simple and/or under a vendee's land contract interest, or subsequently come to be held in one ownership, they shall be considered the same as a single lot of record for the purpose of this Ordinance, and the provisions of this Ordinance shall not thereafter be circumvented or avoided by the sale or conveyance of a part or portion of any such lot; provided, however, in R-1 residential districts, all lots platted prior to the enactment of this Ordinance and having at least 4,000 square feet of area will be deemed to be a lot of record at all times and to satisfy the lot size requirements of this Ordinance.

3. Nonconforming Uses of Land (Without Structures)

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- (b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;

- (c) If such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

#### 4. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built, under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such structure may be enlarged or structurally altered.
- (b) Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance;
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### 5. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to be a use permitted in the district in which it is located;
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
- (c) If no structural alterations are made, any nonconforming use of a structure, or structure and land, may be changed to another nonconforming use provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance;

- (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed;
- (e) When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision;

The Board of Appeals may on its own motion or upon petition by any individual with the consent of the owner exchange a non-conforming use to another non-conforming use or reinstate a non-conforming use lapsing by operation of this section if in its judgment the beneficial development of the district containing the non-conforming use would be best served by such an exchange or reinstatement. In making its determinations regarding exchange or reinstatement hereunder, the Board of Appeals shall consider the extent of benefits to the surrounding district, the elimination and/or reduction of any other non-conforming uses, and the contribution of the proposed exchanged or reinstated non-conforming use to the overall development of the City of Grosse Pointe Farms. In permitting such change, the Board may require appropriate conditions and safeguards in accord with the purpose and interest of this Ordinance;

- (f) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

#### 6. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of three (3) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building as fixed by the City Assessor, provided that the cubic content of the building as it existed at the time of the passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### 7. Uses Under Exception Provisions Not Nonconforming Uses

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Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district.

8. Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the type of such nonconforming uses.

9. Purchase or Condemnation of Nonconforming Uses and Structures.

The City of Grosse Pointe Farms may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The cost and expense, or a portion thereof, of acquiring the property may be paid from general funds or may be assessed to a special district.

10.\* Change of Nonconforming Structure.

A nonconforming building may be structurally altered or extended without the approval of the Board of Zoning Appeals only under the following conditions:

- (a) The use of said building is permitted in the district in which it is located.
- (b) Any accessory building located on the lot conforms to all requirements of this Ordinance and the Building Code.
- (c) The total area occupied by the building after the proposed erection, conversion, or structural alteration does not exceed the maximum area permitted by Article XIII and, together with the area occupied by all other buildings on the lot, does not exceed the maximum percentage of lot coverage permitted by Article XIII.
- (d) Either (1) no part of the existing nonconforming building encroaches or projects into more than one required open space, and such projection conforms with one of the following:
  - (i) the existing nonconforming building does not encroach upon more than twenty-five percent (25%) of the required side yard, or
  - (ii) the existing nonconforming building does not encroach upon more than ten percent (10%) of the required front yard or more than twenty percent (20%) of the required rear yard;

or (2) with respect to nonconforming structures existing in the R-1-AA One-Family Residential District prior to September 7, 1987 and nonconforming structures existing in

the R-1-AAA One-Family Residential District prior to March 6, 2000, no part of the existing nonconforming building encroaches or projects into any of the following open spaces: twenty-five (25) feet for the front yard; thirty (30) feet for the rear yard; and ten percent (10%) of the lot width for each side yard.

- (e) The proposed erection, conversion or structural alteration will conform to all other ordinance provisions; provided that (i) with respect to current nonconforming structures that were in existence and were conforming under the R-1-AA One-Family Residential District prior to September 7, 1987 and current nonconforming structures that were in existence and were conforming under the R-1-AAA One-Family Residential District prior to March 6, 2000, the proposed erection, conversion or structural alteration will not project into a required yard beyond that portion of the existing structure that was in conformity with such prior requirements, and (ii) in all other cases, the proposed erection, conversion or structural alteration will not encroach or project into a required yard beyond the building line of that portion of the existing structure that is nonconforming and the applicant has obtained and filed with the City the written concurrence of all persons to whom notice of a proposed variance would be required to be sent under Section 1706 of this Ordinance.

If the preceding conditions are not met, the building may not be enlarged or altered unless a variance is granted.

#### SEC. 1503.\* ACCESSORY BUILDINGS AND STRUCTURES:

Accessory buildings and structures in residential districts and parking districts shall conform to the following regulations, except as may be otherwise provided in this Ordinance:

1. Accessory buildings and structures which are attached or connected to the principal building pursuant to an integrated construction or design shall be considered part of, and governed by the regulations pertaining to, such principal building, provided, however, that the height of an attached garage shall be measured from the established grade level to the highest point of the roof.
2. Accessory buildings and structures shall be one (1) story and shall not exceed fifteen (15) feet in height in the case of a garage and fourteen (14) feet in height in all other cases. The height of an accessory structure shall be measured from the established grade level to the highest point of the roof.
3. Accessory buildings and structures in residential districts shall not be erected in a front or side yard, except as specifically permitted in this ordinance.

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\* Sec. 1503 Am., Oct. 22, 1984, Ord. No. 273, Am., Sept. 9, 2002, Ord. No. 362, Am., Mar. 10, 2003, Ord. No. 366\_

4. The floor area of an accessory structure shall not exceed the first floor area of the principal building.
5. Accessory buildings and structures may occupy rear yards provided that such buildings or structures do not occupy more than thirty-five percent (35%) of the actual rear yard and are not closer than three (3) feet from the rear and side property line, except as otherwise provided in other sections of this Ordinance, and in no instance may such buildings or structures be constructed over reserved easements. When the rear yard abuts upon a street no building or structure shall be constructed in the required rear yard.
6. Accessory structures such as tennis courts, swimming pools, hot tubs, whirlpools and other recreational facilities shall have rear yards equal to at least six (6) feet and side yards equal to at least those required of the principal structure.
7. Satellite dishes, receivers or antennas are not permitted in front or side yards. Such antennas or receivers may be located on the ground of the rear yard if the structure together with all other structures, patios and decks does not occupy more than thirty-five percent (35%) of the actual rear yard.
8. On any corner lot in a residential district, no part of any accessory building or structure shall be nearer the side street lot line than the setback required for the principal building in Article XIII. (See also the definition of "Setback" in Section 201.)
9. On a corner lot an attached garage will be allowed in rear yard as long as it complies with the requirements of paragraph 3 above.
10. When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lots to its front or rear, said building or structure shall not project beyond any front lot line required for the adjacent lots.

**SEC. 1504.\* REGULATIONS FOR OFF-STREET PARKING REQUIREMENTS:**

Off-street parking facilities for the parking of self-propelled motor vehicles to be used by the occupants, employees and patrons of buildings erected, altered, extended, maintained, and occupied in the City shall be provided and maintained as hereinafter provided in this Section 1504 including the following:

1. The minimum number of off-street parking spaces shall be determined in accordance with the table in Subsection 9 of this Section 1504 below. In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is mentioned and to which said use is the most similar, shall apply.

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\* Sec. 1504 Am., Oct. 22, 1984, Ord. No. 273

2. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal required facilities are provided elsewhere. Also, the use of any building shall not be changed until the required parking facilities for the proposed new use are satisfied.
3. Two or more uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the total of the requirements for the several individual uses computed separately.
4. Off-street parking facilities required for residences, and all uses permitted in Community Service and Community Recreation Districts shall be on the same lot or parcel of land as the building served. For all other uses, such facilities shall be located within three hundred (300) feet of the building served (to be measured from the nearest point of the building to the nearest point of the off-street parking facilities) and public parking facilities located within three hundred (300) feet of the building may be utilized in calculating off-street parking in B-1, B-2, and O-1 Districts if after notice and public hearing, as required by Article XXV, the City Council finds (1) sufficient space is available in the public parking facility to accommodate the additional parking required by the new or enlarged use, (2) access walks exist which make such parking facility readily available to such use and (3) that the requirements of Article XXV are met.
- 5\* . Buildings and uses already in existence prior to the effective date of the parking requirements hereinafter set forth shall not be affected thereby but in the instance where additions or substantial alterations are made to existing structures or uses, the new addition and the existing structure or the altered structure shall be required to meet the requirements hereinafter set forth. Additional parking shall be required in accordance with the minimum requirements hereinafter set forth where a change in occupancy to a new use or expanded existing use occurs.
6. When units or measurements used in determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require (1) parking space.
7. All uses shall be required to provide their required parking on land in the type zoning district in which such are a permitted principal use, except for the public parking facility credit provided for in Subsection 4 above.
8. Minimum design standards for off-street parking and maneuvering space shall be established on the basis of 9' x 18' minimum dimension of stall and determined as follows:

<u>Angle of Parking</u>	<u>Depth of Stall Perpendicular To Aisle</u>	<u>Width of Stall Opening Parallel To Aisle</u>	<u>Minimum Aisle Width</u>
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\* Sec. 1504, Par. 5 Am., Oct. 23, 1995, Ord. No. 337

Parallel	8 ft.	23.0 ft.	12 ft. one way
45 deg.	19 ft.	12.8 ft.	12 ft.
60 deg.	20 ft.	10.4 ft.	15 ft.
90 deg.	18 ft.	9.0 ft.	28 ft.

A diagram of the foregoing requirements is on file in the office of the City's Building Department.

- 9\* . The amount of required off-street parking spaces for new uses or buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with the following table, and the amount of space, so required, shall be stated in the application for a building permit and such space shall be reserved for such use:

USE	REQUIRED PARKING
A. RESIDENTIAL One-Family Residential Multiple-Family Residential	Two (2) parking spaces for each dwelling unit.
B. Hospitals	Two and two-tenths (2.20) parking spaces for each one (1) bed.
C. Auditoriums, theaters, churches, senior high schools, and community centers and other uses with auditoriums and/or gymnasiums	One (1) parking space for each three (3) seat spaces in the main assembly area of four (4) parking spaces for each one hundred (100) square feet of usable floor area in a main assembly area without permanent seating.
D. Schools Elementary and Junior High Schools	One (1) parking space per employee.
E. Libraries, community buildings (without a main assembly area), and private clubs.	One (1) parking space for each one hundred (100) square feet of usable floor area.

\* Sec. 1504, Par. 9 Am., Sept. 5, 1988, Ord. No. 293  
Sec. 1504, Par. 9 Am., Oct. 23, 1995, Ord. No. 337



- F. Establishments for the sale and consumption on the premises of alcoholic beverages, food or refreshments

One (1) parking space for each one hundred (100) square feet of usable floor area or one (1) parking space for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, whichever is greater.
- G. Banks

One (1) parking space for each one hundred (100) square feet of usable floor area.
- H. Business offices or professional offices except as indicated in the following item I.

One (1) parking space for each two hundred (200) square feet of usable floor area or three-fourths (.75) parking spaces for each work station, whichever is greater.
- I. Professional offices of doctors, dentists or similar professions.

One (1) parking space for each one hundred (100) square feet of usable floor area or one (1) parking space for each work station, whichever is greater.
- J. Retail and service stores except as otherwise specified herein.

One (1) parking space for each one hundred fifty (150) square feet of usable floor area.
- K. Furniture and appliance stores and showrooms of interior decorators.

One (1) parking space for each eight hundred (800) square feet of usable floor area.
- L. Auto Service Stations

Three (3) parking spaces for each service bay, but a minimum of four (4) spaces.
- M. Barber Shop or Hair Salon

Three (3) spaces for each of the first two (2) work stations and one and one-half (1.5) spaces for each additional work station.
- N. Parking required for physically disabled persons

Total Spaces  
1-25

Minimum Accessible Spaces\*  
1

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26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,000 & over	20 plus 1 per 100 over 1,000 spaces

Outpatient units at medical care facilities - 10% of total spaces for that facility.\*

Medical care facilities specifically for treatment of the mobility impaired (i.e., physical/occupational therapy units) - 20% of the total spaces for that unit.\*

\*The parking spaces designated for use by physically disabled persons shall be included within (rather than in addition to) the minimum number of spaces otherwise required for a particular use or structure.

The amount of off-street parking spaces required by Subsection 9 above shall be a prima facie requirement. The Board may, in connection with any new building or enlargements or change of use, grant exceptions to the required location of off-street parking facilities or reduce the amount of required parking spaces, where it determines after a hearing that the requirements are excessive or unduly burdensome for any of the following reasons:

- (a) The use of the property will generate relatively little off-street parking demand, or
- (b) Publicly owned parking facilities are available reasonably nearby, or
- (c) The requirements resulting from a reasonable and desirable expansion of an existing use and the maximum additional parking (consistent with the setting and circumstances of the property in question) are provided even though not sufficient to comply with Subsection 9 above, and no other suitable property is available for the provision of the required parking space, or
- (d) A specific parcel of land has such an individual use or location or exceptional geographical conditions, or is of a size, shape or dimension that it cannot reasonably be developed in accordance with the provisions of this Ordinance;

provided, that any exception granted by the Board of Zoning Appeals shall not be inconsistent with the spirit and purpose of this Ordinance, contrary to public safety and welfare.

**SEC. 1505.\* OFF-STREET PARKING LAYOUT, CONSTRUCTION AND MAINTENANCE:**

Wherever a parking lot is built as required off-street parking, or wherever a parking lot is built in a Parking District, such parking lot shall be laid out, constructed, and maintained in accordance with the following requirements:

1. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
2. A setback shall be required and provided in the following situations:
  - (a) When a parking lot has a continuous common frontage in the same block with a residential district, a setback equal at least to that required as a front yard in the residential district shall be provided. If the existing residential is developed with setbacks in excess of the required zoning ordinance standard, the average of the existing setback in the common block frontage shall be provided.
  - (b) When a parking lot is across the street and opposite to residential lots fronting on such street a setback of at least ten (10) feet shall apply (not applicable if above requirement applies).
  - (c) When a parking lot has only a rear lot line relationship with a residential district, there shall be no setback requirement.
  - (d) When a parking lot has a side lot line relationship with a residential district, a setback of at least five (5) feet shall be provided.
3. The land between the required setback line and the lot line in a parking lot is for the purposes of this Ordinance called a greenbelt. There shall be bumper stops or wheel stops provided so as to prevent any vehicle from projecting over the greenbelt. The ground of the greenbelt shall be landscaped with a compatible arrangement of lawn, trees, shrubs and other hardy plant materials, which shall be maintained in a healthy growing condition and proper drainage for such strip shall be provided.
4. Where green belts are not required, bumper stops or wheel stops shall be provided, so located as to prevent any vehicle from projecting over the lot line.
5. Where a parking lot's side or rear boundary abuts a residential zone, an unpierced brickfaced or masonry wall six (6) feet high shall be provided. The Board of Zoning Appeals shall have power to modify the character of material of a barrier if it deems such

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\* Sec. 1505 Am., Aug. 17, 1987, Ord. No. 287

to be in the best interest of the residents. Such wall shall not extend into the required front yard setback nor be placed closer than five (5) feet from the side lot line.

6. The parking area including all access and maneuvering lanes shall be provided with asphalt or concrete pavement so as to provide a permanent durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulating within the area. This standard shall apply to all off-street parking in all districts except R-1, R-1-A, R-1-AA and R-1-AAA Districts.

**SEC. 1506.\* OFF-STREET LOADING AND UNLOADING:**

1. On the same premises with every building, structure, or part thereof, erected or occupied for any use involving the receipt or distribution of materials or merchandise, if such receipt or distribution shall be by means of one or more motor vehicles, either owned or leased, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services except as hereinafter provided.
2. Such space shall be an area not less than ten (10) feet by twenty-five (25) feet, with fourteen (14) feet height clearance for each ten thousand (10,000) square feet, or fraction thereof, in excess of two thousand five hundred (2,500) square feet of building floor or land used for any such purpose, provided however, that the foregoing requirements may be waived in case adequate loading space is otherwise provided.
3. A loading space as required herein shall not be construed as supplying off-street parking space.
4. Trucks with a gross vehicle weight rating of 10,000 pounds and over shall not be stored in any non-residential district in the City of Grosse Point Farms unless parked in a fully enclosed building.

**SEC. 1507.\* LIGHTING:**

(a) All outdoor lighting facilities located on private property in any Residential District (i) shall be so arranged as to reflect light away from all adjacent residences and public right-of-ways and (ii) except as set forth in subsection (b) below, shall be shielded downward or below horizontal to reduce glare.

(b) Ground lighting (up-lighting) in any Residential District for the purpose of illuminating landscaping or architectural details, or other specialized lighting in any Residential District (including, without limitation, lighting for the purpose of illuminating flagpoles or other similar amenities, and pedestrian

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\* Sec. 1506 Am., Jan. 7, 1985, Ord. No. 275

\* Sec. 1507 Am., Nov. 10, 2003, Ord. No. 369

\* Sec. 1509 Am., Sept. 9, 2002, Ord. No. 362

walkway illumination), shall be shielded from public view by landscaping or architectural features and shall not direct light toward any adjacent residences or public right-of-ways.

(c) Security lighting facilities in any Residential District must be positioned so as to be shielded to the greatest extent possible from adjacent residences and public right-of-ways, and in no event shall security lighting facilities be positioned such that lighting will be directed onto adjacent properties, nor shall such security lighting facilities emit any audible noise.

(d) Where lighting facilities are provided in Vehicular Parking Districts or in off-street parking or loading spaces, such lighting facilities shall be so arranged as to reflect the light away from any adjacent Residential Districts and public right-of-ways.

(e) Incandescent lighting designed to illuminate private pedestrian walkways and/or building entries in any Residential District shall be limited to a maximum of 60 watts and shall not be positioned higher than 8 feet above grade or base of entry. Lighting facilities shall not emit ambient light that exceeds one (1) foot candle at grade measured at any adjoining property line.

#### SEC. 1508. PLANT MATERIALS:

Wherever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed, with the spacing as required, shall be provided.

##### 1. Plant material spacing.

- (a) Plant materials shall be placed at least four (4) feet from the fence line or property line.
- (b) Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
- (c) Evergreen trees shall be planted not more than thirty (30) feet on centers.
- (d) Narrow evergreens shall be planted not more than three (3) feet on centers.
- (e) Deciduous trees shall be planted not more than thirty (30) feet on centers.
- (f) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- (g) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

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- | 2.  | Suggested plant materials  | Minimum Size             |
|-----|--|--------------------------|
| (a) | Evergreen Trees<br>(1) Juniper<br>(2) Red Cedar<br>(3) White Cedar<br>(4) Pines  | Five (5) feet in height  |
| (b) | Narrow Evergreens<br>(1) Pyramidal Arbor-Vitae<br>(2) Columnar Juniper<br>(3) Irish Juniper  | Three (3) feet in height |
| (c) | Tree-Like Shrubs<br>(1) Flowering Crabs<br>(2) Russian Olives<br>(3) Mountain Ash<br>(4) Dogwood<br>(5) Redbud<br>(6) Rose of Sharon | Four (4) feet in height  |
| (d) | Large Deciduous Shrubs<br>(1) Honeysuckle<br>(2) Viburnum<br>(3) Mock-Orange<br>(4) Forsythia<br>(5) Lilacs<br>(6) Ninebark          | Six (6) feet in height   |
| (e) | Large Deciduous Trees<br>(1) Oaks<br>(2) Hard Maples<br>(3) Ash<br>(4) Hackberry<br>(5) Sycamore                                     | Eight (8) feet in height |
| 3.  | Trees not permitted.<br><br>(a) Box Elder<br>(b) Soft Maples<br>(c) Elms<br>(d) Poplars<br>(e) Ailanthus (tree of heaven)            |                          |

## SEC. 1509.\* USE RESTRICTION:

No portion of a lot used in complying with the provisions of this Ordinance for yards, lot area per family, or percentage of lot coverage or occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot required in connection with any other building or structure existing or proposed at the same time. Where less than the total lot or parcel area is used to comply with the provisions for yards, lot area per family, or percentage of lot coverage or occupancy, the plot plan shall be drawn to designate that portion used for such compliance.

## SEC. 1510. LANDSCAPING OPEN SPACE IN PARKING AREAS:

1. Where parking and vehicular circulation space is provided in any zone except One-Family Residential Districts, such parking and circulation space shall be effectively screened from public rights-of-way and/or from any adjacent residential districts by one or more of the following means:
  - (a) Plant materials as specified in Section 1508.
  - (b) Earth-molding or a differential in topography not less than four (4) feet in height measured from the surface of the parking area, and so designed as to minimize the view of parked cars or paved surface.
  - (c) A continuous obscuring face brick or stone wall not less than four (4) feet and not more than six (6) feet in height measured from the surface of the parking area, adjusted to reflect topographic characteristics. Whenever such wall is required, all land between said wall or fence and the lot line or boundaries of P-1 Districts shall be kept free from refuse and debris and shall be landscaped with deciduous or evergreen plants, and ornamental trees of height and size and density as approved by the City Council. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
2. All landscaping plans shall be submitted to the City Council for approval as to suitability of planting material and arrangement thereof, in accordance with the provisions of the preceding paragraph.
3. Where lighting facilities for parking or exteriors of buildings are provided, they shall be so arranged or so screened by landscaping or other means as to reflect the light away from residential districts and public rights-of-way.
4. Landscaped Open Space may include hard surfaces for pedestrian circulation or decorative purposes, but the area of hard surfaces shall be no greater than thirty (30) percent of the total landscaped open space. Features such as arcades, pergolas, terraces, sculpture, fountains, pools, etc., must be approved during the process of review of the site plan by the City Council.

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**SEC. 1511.\* SITE PLAN REVIEW:**

1. A building permit, shall not be issued for the following unless a site plan has been approved by the City Council.
  - (a) Any use or development for which a site plan is required by ordinance.
  - (b) The erection or alteration of a building which constitutes a conditional use.
  - (c) The erection of a structure located in a RC, RM, CS, B-1, B-2, O-1 or CR District.
  - (d) The alteration of the appearance of a structure located in a RC, RM, CS, B-1, B-2, O-1 or CR District.
  - (e) Any development, except single-family residential, for which off-street parking areas are provided as required in Section 1504, Subsection 9, Parking Requirements.
  
2. Every site plan submitted to the City Council, in accordance with the requirements of this Ordinance shall contain such information and be in such form as the City Council may prescribe in its rules. No site plan shall be approved until same has been reviewed by the City Engineer and the Planner for compliance with all City standards.
  
3. In the process of reviewing the site plan, the City Council shall consider:
  - (a) Single family development on the basis of a subdivision.
  - (b) The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
  - (c) The traffic circulation features within the site and location of automobile parking areas, and may make such requirements with respect to any matters as will assure:
    - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

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\* Sec. 1511 Am., Oct. 22, 1984, Ord. No. 273  
Sec. 1511 Am., May 4, 1987, Ord. No. 286  
Sec. 1511 Am., Apr. 24, 2000, Ord. No. \_\_\_\_



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- (2) Satisfactory and harmonious relations between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
  - (d) The City Council may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
  - (e) In approving the site plan, the City Council may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the City Council may recommend that money in escrow be placed with the City so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided or monies have been deposited with the City Clerk.
  - (f) The City Council shall find that all proposed projects are adequately served by all public utilities or shall require that all proposed projects be provided by the developer with adequate service of all public utilities.
  - (g) The City Council shall find that the applicant seeking approval of the proposed development or project has complied with Section 1517.
  - (h) With respect to any planned unit development, the City Council shall find that the applicant has complied with Section 1518.
4. With respect to the approval of a site plan pursuant to subsection 1(a)-(c) of this Section 1511, the City Council shall fix a reasonable time for a public hearing on the approval of the site plan. Not less than ten (10) days prior to the public hearing, the party requesting approval of the site plan will cause notice to be given to all persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single and 2-family dwellings within three hundred (300) feet of the boundary of the property affected by the appeal, the notice to be delivered by certified mail to owners at the address shown on the last assessment roll.

**SEC. 1512\* . ENCLOSURE OF EXTERIOR SERVICE AREAS:**

In all zoned districts, except one family residential, rubbish that is stored within a refuse dumpster (as hereinafter defined) shall be kept in a rubbish collection and service area enclosed or screened from public view by an obscuring structural appurtenance as approved by the director of Public Service, which obscuring structural appurtenance shall consist of a wall or fence of six (6) feet in height and have posts or bumpers installed at the opening damage to the screening

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\* Sec. 1512 Am., Nov. 14, 1988, Ord No. 296

walls. The inside dimensions of the enclosure shall be such as will permit adequate access for refuse collection vehicles and the enclosure shall be situated on a reinforced concrete pad at least six (6) inches thick, which pad shall extend at least six (6) feet beyond the opening of the enclosure.

A refuse dumpster shall be defined as a front-end container, roll-off or compacting unit or similar commercial container which is in excess of one cubic yard in volume. Refuse dumpsters shall be fitted with lids that shall be kept completely closed and latched at all times, except for times of filling and collection.

Refuse dumpsters and exterior service areas shall at all times be maintained in good repair and be structurally sound, and shall be kept free of debris and neat and clean in appearance. The name, address and telephone number of the owner and lessee of each refuse bin shall be clearly marked on such refuse bin.

The proposed structure, location and materials shall be acceptable to the Director of Public Service as a prerequisite to the issuance of any building permit, and the Director of Public Service shall not issue a certificate of occupancy unless the provisions of this Section 1512 have been fully complied with.

Within one year of the effective date of this Ordinance, any outside storage of rubbish in rubbish dumpsters shall be stored in compliance with the requirements of this Section 1512.

**SEC. 1513.\* REQUIRED STREET ACCESS**

Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a street. Such frontage shall be equal to the minimum lot width established by Article XIII.

**SEC. 1514. RESIDENTIAL ENTRANCEWAY:**

In all Residential Districts, so-called entranceway structures, including but not limited to, walls, columns and gates marking entrance to one-family and multiple-family subdivisions, may be permitted and may be located in a required yard. Such entranceway shall comply with all codes and ordinances of the City of Grosse Pointe Farms, and to insure said compliance, the Director of Public Service will certify to such compliance and issue permit for such use. When said entranceways include any sign as part of the structure, the Council shall review the proposal in accordance with the standards set forth in the City's Sign Ordinance, prior to the granting of approval by the Director of Public Service. The Council shall require that any numerals, letters or graphics included as part of the structure shall refer only to the subdivision or development upon which located, and it shall find that such sign shall represent a minor portion of the structure.

**SEC. 1515. GRADES AND DRAINAGE:**

It shall be unlawful to grade any lot in a manner that will result in causing storm water to flood adjoining lots or property. The Director of Public Service will not issue a Certificate of Compliance or Occupancy if he determines that the proposed or accomplished change of elevation (grade) will or does result in such flooding.

**SEC. 1516.\* LOT SPLITS:**

A lot may not be divided, partitioned or a portion thereof sold or conveyed unless the Director of Public Service finds that (1) the remaining lot as well as the parcels created by the lot split meet applicable regulations of this Ordinance, or (2) that the purpose of the conveyance is not to create a buildable lot, and the remaining lot and location of structures thereon meet applicable regulations of the Zoning Ordinance.

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\* Sec. 1513 Am., Oct. 22, 1984, Ord. No. 273

\* Sec. 1516 Added, Oct. 22, 1984, Ord. No. 273

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**SEC. 1517.\* PRESERVATION AND PROTECTION OF TREES**

1. Findings; purpose. The City Council finds that the loss, removal or destruction of certain trees during the process of development should, in the interest of public health, safety and welfare, be avoided. Specifically, the City Council finds that the preservation and protection of trees and related vegetation in their natural and existing condition serves the public interest of all existing and future residents of the City because tree and related vegetation growth (a) protects public health through the absorption of air pollutants and contamination, by providing a natural buffer against excessive noise, wind and exposure to natural elements, and by providing visual screening; (b) promotes public safety through the prevention or reduction of erosion, siltation and flooding; and (c) promotes public welfare by contributing to natural beauty, aesthetic enhancement and preservation of natural resources that form an essential component of the City's heritage and contribute to the enhancement of property values. Accordingly, the purposes of this Section are to provide for the preservation and protection of certain trees in connection with any project or development within the scope of subparagraph 2 below.
2. Scope. The provisions of this Section 1517 shall apply (a) to any project or development for which a site plan review is required under the provisions of Section 1511, (b) to any lot split proposed under Section 1516, and (c) to any preliminary or final site plan review or plat approval for any subdivision or land division that will result in the creation of one or more new building sites and/or the redevelopment of an existing building site.
3. Protected Trees. For purposes of this Section 1517, the term "protected tree" shall mean any individual tree having a diameter of twelve (12) inches or greater measured at four and one-half feet above the existing grade.
4. Prohibition of Destruction or Removal of Protected Trees. In connection with any project, development, lot split, subdivision or land division within the scope of subparagraph 2 above, the destruction, modification or removal of any protected tree is prohibited. In connection with the erection, modification or expansion of any building within any such project, development, lot split, subdivision or land division, the developer, property owner and any contractors shall, at their sole expense, take such precautions as are prescribed by the Director of Public Service to avoid the occurrence of damage to any protected tree. Such precautions may include, without limitation, the erection of temporary fencing or barriers around protected trees and the prohibition of any

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\* Sec. 1517 Added, Apr. 24, 2003, Ord. No. \_\_\_\_

construction activities within the drip line (i.e., the ground area bounded by an imaginary vertical line extending from the outer boundaries of the tree branches) of any protected tree.

5. Tree Survey. In connection with any project, development, lot split, subdivision or land division within the scope of subparagraph 2 above, the building permit application, site plan or plat submitted to the City shall include a tree survey overlay at the same scale as the submitted land survey, site plan or plat, which locates all protected trees by size and species. Such tree survey shall be prepared by a licensed landscape architect, surveyor or engineer.
6. Exceptions. In connection with any project, development, lot split, subdivision or land division within the scope of subparagraph 2 above, the developer or property owner may seek a permit granting one or more exceptions from the requirements of subparagraph 4 above. All such applications shall be in writing and shall describe the reasons for seeking the exception(s) and the specific action that the developer or property owner proposes to take with respect to removal, modification, relocation or replacement of protected trees. Upon application for such a permit, the same may be granted by the Director of Public Service provided that (a) not more than three (3) protected trees within the proposed project or development are to be removed or modified, and (b) the developer or property owner agrees that all such trees will be relocated on the property (if feasible) or that not less than an equal number of trees, having a minimum caliper size not less than two and one-half (2.5) inches, will be planted on the property to replace the trees to be removed or modified. In all cases not within the parameters of clauses (a) and (b) of the preceding sentence, an exception from the requirements of subparagraph 4 above may be granted only by the City Council. In considering an application for such an exception, the City Council may grant one or more exceptions from the requirements of paragraph 4 above if it determines that such exception(s) will not impair the general effect and intent of this Section 1517 and either (1) is (are) necessary to avoid unusual practical difficulty or hardship to the property owner, or (2) is (are) in the general interest of public safety, comfort, convenience, or the protection of property values.
7. Permitted Activities. Nothing contained in this Section 1517 shall preclude (a) ordinary pruning, trimming or other maintenance of any protected tree in order to promote the health and growth of such tree; (b) trimming or removal of any tree by the City or any public utility in order to protect public safety in connection with utility poles, wires, conduits or other public facilities; (c) removal or trimming of any dead, diseased or damages trees or parts thereof; or (d) the emergency removal or trimming of any tree or

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part thereof that constitutes an imminent hazard or threat to the safety of any person or an imminent hazard or threat to any existing structure.

SEC. 1518.\* PLANNED UNIT DEVELOPMENTS

1. Purpose. The intent of this section is to permit flexibility and encourage innovations in residential developments by permitting the development of appropriate mixtures of housing types, and the protection of open space on sites within the city which, due to area, perimeter dimensions, location and physical site characteristics could, as determined by the city council, be developed as a self-contained residential area. It is the further intent of this section to encourage the reuse and improvement of existing sites or combinations of sites when developed in a manner compatible with surrounding uses and when the regulations applicable to the relevant zoning district may not provide adequate protections and safeguards for the site or surrounding area. In such cases it is the intent to replace the usual zoning approval process involving standardized use and bulk specifications by the regulations contained in this section and by the utilization of an approved development plan. The benefits to be achieved through a planned unit development include preservation of natural features, the integration of various site features into a unified development and promotion of sensitivity to adjacent land uses. A planned unit development permitted under this section shall be considered as an option to the development permitted under Articles IV, V, and VI, and shall be mutually agreeable to the developer and the city. Development under this section shall be in accordance with a comprehensive physical development plan establishing functional use areas, density patterns, and a fixed system of residential collector streets, the development to be in keeping with the physical character of the city and the area surrounding the proposed development, preserving as much open space, natural vegetation and terrain as possible. A planned unit development (PUD) may include both attached and detached dwelling units (single-family, multiple-family, townhouses, etc.) as well as all typical accessory uses associated with residential uses, provided that the utilization of attached dwelling units should be harmonious with the character of detached dwelling structures in the area surrounding the development. A planned unit development classification is intended to accommodate unique settings within the community or sites which, due to practical difficulties or prohibitive cost, present development or re-development problems, and is not to be used primarily to avoid the application of standard residential density, area, open space, bulk, height or use regulations. A planned unit development shall not be approved if the city council finds that the proposed development would be contrary to the health,

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\* Sec. 1518 Added August 9, 2004, Ord. No. 372.

safety and general welfare of residents in established residential areas in the immediate vicinity of the proposed development.

2. General Requirements. Planned unit developments may be permitted after review and approval of the development plan by the affirmative vote of not less than five (5) members of the city council in accordance with the procedures set forth herein and after public hearings on the site plan are held by the city council, subject to the following conditions:

(a) Basic land conditions:

(i) The minimum site area shall be two (2) acres; provided, however, where the proposed site abuts an already approved planned unit development, there shall be no minimum site area, and provided, further, that the city council may grant an exception to the minimum site area requirement if such exception will further the intent and purpose of this Section.

(ii) The site area used for computing density shall consist of contiguous land under single ownership or control, and shall be capable of being planned and developed as one integral parcel.

(iii) The proposed development must be in accord with the intent and purposes described in subsection 1 above.

(b) Uses permitted:

(i) All uses permitted as principal uses and accessory uses permitted in R-1, R-1A, R-1AA, R-1AAA, RC or RM.

(ii) Other conditional or discretionary uses approved by the city council pursuant to this section and Article XXV, provided the use is identified and incorporated as part of the comprehensive development plan.

(c) Density conditions:

(i) The maximum permitted densities within a planned unit development shall be governed by the zoning district in which located and shall be calculated based on the following limits:

(A) In the R-I District, the maximum density shall not exceed 60 rooms per acre.

(B) In the R-1A District, the maximum density shall not exceed 50 rooms per acre.

(C) In the R-1AA District, the maximum density shall not exceed 20 rooms per acre.

(D) In the R-1AAA District, the maximum density shall not exceed 15 rooms per acre.

(E) In the RC District, the maximum density shall not exceed the density allowed under the regular provisions of the respective districts.

(F) In the RM District, the maximum density shall not exceed the density allowed under the regular provisions of the respective districts.

(ii) The number of dwelling units permitted per acre shall be determined by the following schedule:

(A) Each single-family detached dwelling and attached "cluster" dwelling shall count as seven (7) rooms.

(B) All four (4) bedroom attached units shall count as six (6) rooms.

(C) All three (3) bedroom attached units shall count as five (5) rooms.

(D) All two (2) bedroom attached units shall count as three (3) rooms.

(E) All one (1) bedroom attached units shall count as two (2) rooms.

(F) All efficiency apartments shall count as one (1) room.

(iii) For the purpose of determining the number of bedrooms in an attached unit, all rooms referred to as a "den," "library," or other extra room shall be considered as a "bedroom."



(iv) No more than fifteen (15) percent of the total rooms permitted on the site shall be in one (1) bedroom or efficiency type apartments.

(v) The overall density of the PUD shall be averaged for the entire area included within the development plan. Public open space, such as park sites, greenbelts and private roadways, may be included in computing the area of the parcel and the related density. All public roads and any nonresidential use areas shall be excluded in computing the area of the parcel and the related density.

(d) Design and layout conditions:

(i) Vehicular access to the development area must be solely from a major thoroughfare as determined by the city council. Access roads and service drives may be developed as private roads. Where the city council finds that a road through the development area is required to be dedicated to the public to provide continuity to the municipality's street system, such road shall be dedicated as a public road.

(ii) To provide a physical transition, a landscaped greenbelt shall be provided on those sides abutting One-Family Residential Districts. Where necessary, a berm or decorative screening shall be erected and maintained in such greenbelt area. The design of the greenbelt and the accompanying landscape plan shall be prepared by a Registered Landscape Architect.

(iii) Private and/or public common open space exclusive of public or private road rights-of-way shall be provided on the basis of at least twenty (20) percent of the total acreage of the planned unit development. No yard requirements for either single-family or multiple-family units shall count as part of this open space requirement.

(iv) To the extent possible, all natural features of the property such as large trees, natural groves, watercourses and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved.

(e) Area, height, and bulk conditions:

(i) All yards, height, bulk, minimum floor area, lot coverage, lot area, and lot width requirements for one-family development shall be in conformance with the requirements of the R-1, R-1A, R-IAA, and R-IAAA Districts, as applicable, unless otherwise modified by the approved development plan.

(ii) All yards, height, bulk, minimum floor area, and lot coverage requirements for cluster or multiple-family development shall meet the requirements of the RC District or the RM District, as applicable, unless otherwise modified by the approved development plan.

(iii) All other uses permitted within the applicable districts shall be subject to the requirement of the respective districts unless otherwise modified by the approved development plan.

3. Submittal Procedures and Conditions. Any person owning or controlling land zoned one-family residential or multiple-family residential and satisfying the intent and purpose of this Section may make application to the city council for consideration of a planned unit development. The following procedures shall govern such application:

(a) Pre-application conference: Before submission of the application materials described below, the potential sponsor of a proposed planned unit development may request a conference with the Director of Public Service (or his or her designee) for the purpose of reviewing the application and approval procedures required under this Section.

(b) Submittal of proposed PUD plan: The sponsor of a proposed planned unit development shall submit copies of a preliminary plan with a written application to the department of public service. The preliminary plan shall be drawn to scale and show the arrangement of dwelling units, other structures, streets, and open space. Dimensions of these elements shall be shown but may be approximated. It is the intent of this section that the preliminary plan be done in sufficient detail to permit preliminary planning review and yet not require precise engineering plans. The department of public service or city council may require alterations to be made in the preliminary plan if necessary to comply with the intent of this section. The preliminary plan shall include at least the following:

(i) A boundary survey of the exact acreage being requested done by a registered land surveyor or civil engineer (Scale: 1" = 200').

(ii) A topographic map drawn as contours with an interval of at least two (2) feet. This map shall indicate all major stands of trees, bodies of water and unbuildable area due to soil conditions, wet lands, topography, or similar conditions (Scale: 1" = 200').

(iii) A preliminary plan for the entire neighborhood area carried out in such detail as to indicate the functional uses and dwelling unit types being requested; the proposed population densities; a traffic circulation plan; sites being reserved for recreation areas and other open spaces and areas to be used for the public or by residents of the planned unit development; and typical building elevations and floor plans (Scale: 1" = 200').

(iv) A preliminary landscape plan for the entire site.

(v) An indication of the existing or contemplated storm water and sanitary utility plan and other existing underground utilities.

(vi) To the extent requested by the department of public service or the city council, a written statement explaining in detail the full intent of the sponsor, indicating: (a) the type of dwelling units contemplated, (b) resultant population and expected number of children attending elementary or secondary schools, (c) the identity of persons who will hold title to open land, (d) the proposed method of regulating the use and maintenance of open land, (e) the proposed method of financing for the development and maintenance of the site, (f) environmental impact analysis involving foliage, soil conservation, lakefront preservation and other natural conditions, (g) market studies supporting land use requests, (h) the intended scheduling of the development, (i) proof of ownership of the site, (j) a list of anticipated deviations from the Zoning Ordinance regulations which otherwise would be applicable and (k) such other information as the department of public service or the city council may request.

(c) Department of public service review of proposed PUD plan: Upon receipt of all the required materials and plans, the department of public service shall review all the details of the proposed plan to determine compliance with the zoning ordinance. The department of public service shall submit a report to the city council stating the manner, if any, in which the proposed development does not comply with the provisions of the zoning ordinance.

(d) Approval of planned unit development; public hearing: After reviewing the preliminary plan and report of the department of public service, the city council may require the sponsor to submit detailed plans showing detailed building locations, final topography drawn at 2 foot contour intervals, all computations regarding acreage and density, further details relating to any proposed berm and access areas, landscaping, typical building elevation and floor plans, driveways and parking and all other items which the city council deems necessary for its final review. If the city council is satisfied

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that all necessary plans and materials have been submitted, it shall set a public hearing to determine if the parcel may be developed as a planned unit development.

(i) After a public hearing is scheduled, a notice of the application shall be published in a newspaper with general circulation in the City of Grosse Pointe Farms and shall be sent by first-class mail to the owners of the property subject to the application, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 10 and not more than 15 days before the application will be considered at a public hearing. The clerk shall cause this notice to be given, at the expense of the applicant. The notice shall set forth:

- (A) The nature of the development for which the application has been made;
- (B) The property which is the subject of the application;
- (C) The time and place of the public hearing to be held to consider the application; and
- (D) The time and place written comments will be received concerning the application.

(ii) After considering the application at a public hearing, the city council may, in its discretion, approve the request if in addition to meeting the requirements of the general requirements in subsection 2 above, it finds that the proposal complies with the following standards:

(A) The proposed planned unit development, including the proposed height, bulk, location and character of structures thereon, will be compatible with adjacent land uses, the natural environment and natural resources, and the capacities of public services and facilities affected by the proposal;

(B) The proposed development will promote the use of land in a socially and economically desirable manner, and maintain the character of the area;

(C) The proposed uses in the development and the location of such uses will facilitate a traffic pattern (both vehicular and pedestrian) that will not be hazardous and will be compatible with adjacent areas;

(D) The proposed uses in the development are consistent with the municipal plan or master plan adopted by the city;

(E) The proposed development is consistent with the public health, safety, and welfare of the residents of Grosse Pointe Farms.

Such findings shall require the affirmative vote of not less than five (5) members of the city council.

(iii) The city council may approve the application with conditions. The city council's decision shall contain a statement of its conclusions and shall specify the basis for the decision and any conditions imposed. Any conditions imposed shall be designed to ensure that the standards set forth in this Section are met. Such conditions may include but are not limited to increasing the required number or size of open spaces, limiting the height of buildings, increasing the number of off-street parking spaces, and requiring fencing, screening and landscaping to protect nearby property values.

(iv) To ensure compliance with this Section and any conditions imposed hereunder, the city council, board of zoning appeals or Director of Public Service may require the posting of a cash deposit, letter of credit, or surety bond, covering the estimated cost of improvements, to be deposited with the City Clerk to ensure completion of the improvements.

(v) Once an area has been included within a plan for planned unit development and such plan has been approved by the city council, no development may take place in such area nor may any use thereof be made except in accordance with the plan and any approved amendments thereto.

(vi) The developer shall record a statement of restrictive covenants, including all conditions imposed by the city council, with the Register of Deeds for Wayne County. The developer shall submit the statement to the City Attorney and city council for review prior to recording. Upon approval by the city council, the restrictions shall be recorded and become binding upon persons owning lots in the development. Said restrictions shall include but not be limited to:

(A) A specified time period for development. Failure to begin construction within 12 months of approval of the final site plan by the city council (as set

forth below) shall make the approval null and void unless an extension is requested, in writing, by the applicant and the request is granted by the city council.

(B) A provision that the property owners within the PUD shall pay annually their pro rata share of the cost of maintenance of common areas, private roads, streets, sewage and water systems, if any. Such annual assessment shall accrue for the benefit of all owners and may be enforced jointly and severally by other property owners in the development.

(C) A provision requiring each property owner to maintain and keep his or her home in good repair and in conformity with standards established for the development.

(e) Submission of final plats and site plans: Within a period of six (6) months following approval by the city council, final site and engineering plans for the area approved for development under must be submitted as hereinafter provided. If such plans have not been submitted and approved within the six (6) month period, the right to develop under the approved plan shall terminate unless the time for submitting final plans is extended by city council. Before any building permits shall be issued for buildings and structures within the area of planned unit development, a final plan shall be submitted to the department of public service, including the following:

(i) A detailed site plan, showing a fully scaled plan view of all buildings, all public road rights-of-way and private streets, areas within each zone district and the proposed ultimate density thereof, parking areas, utilities, and areas to be set aside for the use of the public or by residents within the development (Scale 1" = 50', except for plats which shall be at a Scale: 1" = 100').

(ii) The proposed topography (contour interval of at least 2') shall be superimposed on all site plans (Scale: 1" = 50').

(iii) Floor plans typical of all residential buildings, except detached single-family, shall be submitted and the site plan shall indicate which floor plan is tentatively applicable to each such building.

(iv) Elevations of proposed buildings shall include architectural façade designs, including all construction materials, colors and finish details.

(v) A tree survey showing all on-site trees, consistent with the requirements of Section 1517 of the Zoning Ordinance.

(vi) A final landscape plan for the site, including plant and tree species, size and spacing.

(vii) Each final plat or site plan submitted within the planned unit development shall, either individually or in combination with previously approved project areas, meet the standards of this section as to density and open space requirements. Open space shall be computed as a proportionate amount of the total open space requirement of the overall PUD site.

(f) Approval of final plats and site plans:

(i) Review and approval of site plans shall comply with this Section and any other applicable ordinance provisions except as modified in the approved development plan. Review and approval of plats shall comply with applicable state statutes and the subdivision regulations ordinance of the city in addition to the requirements of this Section.

(ii) Approval of each project area shall be effective for a period established by resolution of the city council, not to exceed eighteen (18) months. If development is not completed in this period, further submittals under this PUD option shall cease until the project in question is completed or cause can be shown for not completing same. In reviewing and approving the final plans, the following conditions shall be set forth as conditions to be completed prior to issuance of building permits:

(A) A dedication of all public roads shall be made so as to cause continuity of public access between the adjacent major thoroughfare and ingress and egress to all private development within the plan.

(B) The City council shall determine:

(1) That all areas shown upon the comprehensive plan for the entire planned unit development area for use by the public or the residents of lands within the planned unit development area have been irrevocably committed to such uses by dedication, restrictive covenants or in some manner satisfactory to the city council.

(2) That the final plan is in general conformity with the original plan previously approved.

(3) Provisions satisfactory to the city council have been made to provide for the financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, as well as the cost of any off-site improvements that will be required as a consequence of the development, and that maintenance of such improvements is assured by a means satisfactory to the city council.

(4) The cost of installing all streets and the necessary utilities, as well as any off-site improvements that will be required as a consequence of the development, has been assured by a means satisfactory to the city council.

(g) Fees: Fees for review of site plans for planned unit developments shall be established by resolution of the city council.

(h) Amendments: Any changes or amendments requested by the sponsor as to the incomplete portions of the overall plan shall be treated as an original submission under this Section as to that area that is requested to be changed. If such changes or amendments are not approved, the sponsor shall have the right to proceed under the originally approved plan.

SEC. 1519.† RENTAL PROPERTIES IN ONE-FAMILY RESIDENTIAL DISTRICTS:

1. License Required. Before any dwelling unit in any R-1, R-1-A, R-1-AA, R-1-AAA or RC one-family residential district is rented or leased, or offered for rent or lease, or occupied by one or more persons other than the owner and family of the owner, an annual license issued by the Department of Public Service must be obtained. A copy of such license shall be available at the dwelling unit. The fee for such annual license shall be established from time to time by resolution of the City Council in an amount intended to defray the cost of administration of the license and the cost of performing the property inspections required under this Section 1519.
2. Application for License. An applicant for an annual license described in subparagraph 1 above shall, using such form or forms as may be prescribed by the Department of Public Service, provide in writing at least the following information: (a) the street address of the

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† Sec. 1519 Added May 12, 2008, Ord. No. 381.



dwelling unit; (b) the rental classification (e.g., one-family dwelling, duplex, condominium); (c) the commencement date and expiration date of any lease or occupancy agreement; (d) the name(s), date(s) of birth, and contact information (telephone, email address, mailing address) of the lessee(s) or other occupant(s); (e) the number and relationship of the occupants to reside in the dwelling unit; (f) the name(s), date(s) of birth, and contact information (telephone, email address, mailing address) of the owner(s) of the dwelling unit (if the dwelling unit is owned by a corporation, trust, limited liability company or other entity, the contact information must include the name, date of birth and position of the authorized representative of the owner); and (g) such other relevant information as may be requested by the Director of Public Service. Such application shall be signed by the owner/licensee, and shall include the following acknowledgements: (i) that the use of the property must be in strict compliance with the applicable zoning district; (ii) that the owner/licensee shall be responsible for maintaining the property in strict compliance with all City of Grosse Pointe Farms codes and ordinances; and (iii) that the failure to maintain the property in strict compliance with such codes and ordinances may result in enforcement action against the owner/licensee (even if such failure was attributable, in whole or in part, to the acts or omissions of the tenant(s) or occupant(s) of the dwelling unit) that could result in fines, liens against the property or against other property of the owner/licensee or other civil or criminal penalties.

3. Property Inspections. Each dwelling unit licensed under this Section 1519 must pass a periodic inspection performed by a code enforcement officer to determine compliance with the property maintenance code and other applicable codes and ordinances of the City of Grosse Pointe Farms. Such inspections shall be required (a) upon any change in occupancy of the dwelling unit, and (b) even if there is no change in occupancy, not less frequently than in six (6) month intervals. The owner/licensee shall fully cooperate with the Department of Public Service and the code enforcement officer in the performance of such inspections. Further, it shall be the responsibility of the owner/licensee to schedule the required inspections and to arrange for access to the dwelling unit to complete such inspections. Failure or refusal by the owner/licensee to arrange for the required inspections shall be grounds for revocation or suspension of the license.
4. Revocation or Suspension of License. Upon notice to the owner/licensee, any license issued pursuant to this Section 1519 may be revoked or suspended by the Director of Public Service for violation of any of the provisions of this Section 1519, or for violation of other codes or ordinances of the City of Grosse Pointe Farms or applicable laws governing rental dwellings or the maintenance thereof, or for other sufficient cause. In the event of suspension, the Director of Public Service may suspend the license for a specific duration or until certain conditions have been satisfied or violations corrected.

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Following revocation or suspension of any license issued pursuant to this Section 1519, the continued occupancy of the dwelling unit shall be punishable against the owner/licensee by a fine of not more than five hundred dollars (\$500.00), and each day that such occupancy continues shall be deemed a separate violation. Nothing in this Section 1519 limits or supersedes the requirement to obtain a Certificate of Occupancy under Section 1603 of the Zoning Ordinance or the power of the code enforcement officer to take necessary or appropriate action under the other codes, ordinances, rules or regulations of the City of Grosse Pointe Farms or other applicable law. The application of all such other codes, ordinances, rules, regulations and laws shall be cumulative with the requirements of this Section 1519.

5. Prohibition of Certain Short-Term Rentals. A dwelling unit in any R-1, R-1-A, R-1-AA, R-1-AAA or RC one-family residential district shall not be rented or leased, or offered for rent or lease, or otherwise occupied under any written or oral occupancy agreement (other than by the owner and the owner's family), for a duration less than six (6) months. In cases of unusual practical difficulty or hardship, the owner/licensee may apply in writing to the Director of Public Service for a temporary exception to such minimum duration, stating the reason(s) for such requested temporary exception, and the Director of Public Service shall act upon such request as soon as may be practicable by issuing a written decision either granting or denying the request for a temporary exception. In the event of denial of such request for a temporary exception, the owner/licensee may appeal such denial to the City Council by submitting a written appeal to the City Clerk within thirty (30) days after issuance of the determination by the Director of Public Service, and upon such appeal the City Council shall be authorized to affirm, reverse or modify the determination of the Director of Public Service. Vacation of the dwelling unit by a tenant or occupant sooner than six (6) months after the commencement date of the rental agreement, lease or occupancy agreement, in violation of the terms of such rental agreement, lease or occupancy agreement, shall not be deemed a violation of the requirements of this subparagraph 5.

SEC. 1520.‡ MARIHUANA ESTABLISHMENTS; SALE AND CONSUMPTION OF MARIHUANA:

- (a) Prohibition of Marihuana Establishments.

(1) Pursuant to Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act (the “Act”), marihuana establishments, as defined in the Act, are completely prohibited within the boundaries of the City of Grosse Pointe Farms, shall not be a permitted use in any

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‡ Section 1520 Added January 14, 2019

zoning district described in Ordinance No. 192, as amended, and shall not be permitted as a home occupation in any residential district.

(2) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of Ordinance No. 192, as amended, and any such use or purported use shall not be entitled to claim legal nonconforming status.

(3) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the City of Grosse Pointe Farms, shall be deemed to be not in compliance with Ordinance No. 192, as amended, or with other ordinances regulating businesses, occupations, or the use of property.

(4) Violations of this Section 1520(a) shall constitute a civil infraction punishable by a fine of not more than Five Hundred Dollars (\$500.00) for each offense, plus court-imposed costs. Violations of this Section 1520(a) also shall constitute a nuisance per se, subject to abatement pursuant to Section 2100 of Ordinance No. 192, as amended.

(5) This Section 1520(a) does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the City of Grosse Pointe Farms to the extent provided by the Act, and does not supersede rights and obligations with respect to activities permitted under the Michigan Medical Marihuana Act.

(b) Prohibition of Sale or Consumption of Marihuana in Public Places.

(1) In conformance with Sections 4.1(e) and 6.2(b) of the Act, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the City of Grosse Pointe Farms.

(2) Any person who violates any of the provisions of this Section 1520(b) shall be responsible for a civil infraction punishable by a fine of not more than Five Hundred Dollars (\$500.00) for each offense, plus court-imposed costs.

(3) This Section 1520(b) does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to activities permitted under the Michigan Medical Marihuana Act.

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**ARTICLE XVI\* - ADMINISTRATION AND ENFORCEMENT****SEC. 1600. DIRECTOR OF PUBLIC SERVICE:**

The provisions of this Ordinance shall be administered by the Director of Public Service, his or her duly authorized assistant, or such other person or persons as shall be designated by the City Council.

**SEC. 1601. CERTIFICATE OF COMPLIANCE:**

No land use shall be commenced or changed, and no structure shall be erected, altered, enlarged, or repaired at a cost of more than an amount established by resolution of the City Council, until the person conducting such use or erecting, enlarging, or repairing such structure has obtained a Certificate of Compliance Permit from the Director of Public Service. The Director of Public Service shall issue such permit upon the submission in writing, over the signature of the applicant, the information necessary to establish that the proposed use, structure or addition, is in full compliance with all provisions of this Ordinance. Issuance of a Certificate of Compliance shall not be construed as a waiver of any provision of this Ordinance. A Certificate of Compliance Permit issued in reliance upon any false statement in the application or supporting documents is void from the date of issuance and shall be revoked.

**SEC. 1602.\* BUILDING PERMIT:**

No structure shall be erected, altered, enlarged, or repaired at a cost of more than an amount established by resolution of the City Council, until the Director of Public Service has issued a Building Permit incorporating a Certificate of Compliance including a certification that in his or her opinion the plans, specifications and proposed use of such structure complies with the provisions of the Ordinance.

The Director of Public Service shall require that all applications for building permits be accompanied by plans and specifications, including a plot plan in triplicate drawn to scale, showing the following:

1. The actual shape, location and dimensions of the lot.
- 2.\* The shape, size, location and dimensions of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.

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\* Art XVI Am., Oct. 22, 1984, Ord. No. 273

\* Sec. 1602 Am., Apr. 5, 1976, Ord. No. 206, Am. Oct 1, 2007, Ord. No. 379

\* Sec. 1602, Par. 2 Am., Sept. 9, 2002, Ord. No. 362

\* Sec. 1602, Par. 5 Added Sept. 9, 2002, Ord. No. 362

3. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be helpful in determining whether the provisions of this Ordinance are satisfied.
- 5.\* A topographical survey of the lot or drainage plan showing drainage on the site and its impact on adjoining lots.

The erection of a structure (including any landscaping or fencing) for which a Building Permit is required must be completed within twelve (12) months from the date of issuance of the Building Permit. If completion within such 12-month period is not practicable due to seasonal weather conditions, then the Director of Public Service may extend the 12-month deadline to accommodate the time reasonably necessary to complete the project once seasonal weather conditions do not impede completion.

Exterior maintenance or repair projects that do not require the issuance of a Building Permit shall be completed not later than twelve (12) months after the date of commencement of the maintenance, repair or replacement project. The date of commencement shall be determined by the Director of Public Service.

The Director of Public Service may grant an extension of the applicable deadline set forth above provided substantial progress toward completion of the project has been made during the 12-month period and the construction has not been delayed by the owner, applicant, contractor, or their sub-contractors. Application for an extension must be made in writing, and shall include an explanation for the requested extension and a detailed construction schedule which identifies a projected completion date for the project (exterior and final construction).

If the Director of Public Service shall determine that any construction project within the scope of the foregoing provisions is not proceeding properly or on a diligent and timely basis, he or she shall not extend the Building Permit and each day that the project not completed shall constitute a violation of this Ordinance.

#### SEC. 1603. CERTIFICATE OF OCCUPANCY:

No portion of a building or structure or use for which a Certificate of Compliance has been issued shall be used or occupied until the Director of Public Service has, after final inspection, issued a Certificate of Occupancy indicating that the improvement complies with all of the provisions of this Ordinance. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provision of this Ordinance.

#### SEC. 1604. FEES.

Before a Certificate of Compliance shall be issued, an inspection and permit fee shall be paid in an amount established by resolution of the City Council.

SEC. 1605. PERFORMANCE GUARANTEE:

To insure compliance with this Ordinance and with any conditions imposed hereunder, the City Council, Board of Zoning Appeals, or Director of Public Service may require the posting of a cash deposit, certified check, letter of credit, or surety bond, covering the estimated cost of improvements associated with the application for which approval is sought, to be deposited with the City Clerk to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. Improvements may include but are not limited to roadways, lighting, utilities, sidewalks, screening, drainage or other features considered necessary to protect natural resources, or the health, safety and welfare of nearby residents or future users or inhabitants of the proposed project. "Improvements" does not include the entire project which is the subject of zoning approval.

SEC. 1606. ZONING ORDERS BOOK:

The Director of Public Service shall keep in his office, a book, to be known as the Zoning Orders book, in which shall be listed, with a brief description, all variances, exceptions, and conditional uses permitted. The Special Zoning Orders Book shall be open to public inspection.

## ARTICLE XVII\* - BOARD OF ZONING APPEALS

## SEC. 1700. CREATION OF BOARD OF ZONING APPEALS:

In accordance with Act 207 of the Public Acts of Michigan of 1921 as amended, a Board of Zoning Appeals is established. The City of Grosse Pointe Farms' Board of Zoning Appeals shall consist of all of the members of the City Council, and the Mayor shall serve as Chairman thereof. The City Clerk or his duly authorized assistant shall act as Secretary for the Board of Zoning Appeals.

## SEC. 1701.

The Board of Zoning Appeals shall have the power to hear and decide appeals from any order or action of the Director of Public Service under this Ordinance and to render opinions interpreting this Ordinance.

## SEC. 1702.\* VARIANCES:

The Board of Zoning Appeals may authorize an area variance if the Board finds that the strict application of this Ordinance will result in practical difficulties for the user of the property.

In addition, a variance shall be allowed only if the Board of Zoning Appeals finds the following:

1. The variance is in harmony with and serves the intent and purpose of this Ordinance after considering:
  - A. The extent of the variance in relation to the requirement;
  - B. The effect, if the variance is allowed, of the increased population density produced on available governmental facilities and on the character of the district;
  - C. Whether a proposed building is in harmony with the predominant type of building in the district in size, character, location and intended use.
2. The variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the hardships or difficulties suffered if a variance is not granted, and whether the hardship or difficulty can be obviated by some method other than a variance.

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\* Art XVII Am., Oct. 22, 1984, Ord. No. 273

\* Sec. 1702 Am., May 7, 1979, Ord. No. 232

3. The variance will not substantially interfere with or injure the rights of persons whose property is affected by the proposed variance.
4. The proposed variance meets the standards of Article XXV.

SEC. 1703.

A variance allowed by the Board of Zoning Appeals, shall be recorded in the minutes. In each case, the affirmative findings and conclusions in support of the variance shall also be included in the minutes.

A variance denied by the Board of Zoning Appeals shall be recorded in the Minutes. As a part of the record in each case the matters as to which the Board is unable by virtue of the whole record before it to make the requisite affirmative findings shall also be included in the minutes.

SEC. 1704.

Construction, pursuant to the issuance of a variance for a structure, building or portion thereof, shall be commenced within one year of the date the variance is granted or within any extension granted by the Board of Zoning Appeals.

SEC. 1705.\*

When granting a variance under this Ordinance, the Board may impose such conditions as are necessary to ensure that the variance is consistent with the purposes of this Ordinance. Conditions imposed shall be designed to insure that the standards set forth in Section 1702 shall be met. These conditions may include but are not limited to increasing the required lot or required yard sizes, limiting the height of buildings, controlling the location and number of driveways, increasing the street width, increasing the number of off-street parking spaces and requiring fencing, screening and landscaping to protect nearby property values. Without limiting the generality of the Board's discretion to impose conditions to achieve the purposes of this Ordinance, in any case where the width or area of a residential lot does not meet the requirements of this Ordinance, the size and height of any proposed building or building addition shall be reviewed by the Board any may be limited if necessary to ensure that the variance is consistent with the purposes of this Ordinance.

SEC. 1706. LIMITATIONS ON THE POWERS OF THE BOARD.

1. The concurring vote of five (5) of the seven (7) members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the

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\* Sec. 1705 Am., Mar. 10, 2003, Ord. No. 366



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Director or Public Service or to grant a variance to this Ordinance. In the instance that the Zoning Board of Appeals consists of less than seven (7) members at the time of the Zoning Board of Appeals hearing, the concurring vote of two-thirds (2/3) of the members holding office shall be required to grant a variance.

2. An appeal shall be commenced by filing with the Board of Zoning Appeals, through the City Clerk, and with the Director of Public Service, a notice of appeal in which are specified with particularity the grounds upon which the appeal or request is based. The notice of appeal shall be filed within 30 days of the date the decision appealed from is rendered. Upon the filing of any such appeal, the Director of Public Service shall submit a report to the Board, and make available to the appellant a copy of such report, which shall contain the following:
  - (a) The application, site plan, and any other documents comprising the record of the appeal;
  - (b) A summary of the Director of Public Service's actions and findings concerning the application, and the reasons therefore;
  - (c) The relief requested of the Board of Zoning Appeals.
- 3\* . The Board shall fix a reasonable time for a public hearing on appeals. Not less than ten (10) days prior to the public hearing, the party taking the appeal will cause notice to be given to all persons to whom real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of single and 2-family dwellings within three hundred (300) feet of the boundary of the premises in question, such notice to be delivered by first-class mail to owners and tenants at the respective addresses shown on the last assessment roll. The mailing of such notice may be performed by the City Clerk or a person designated by the City Clerk, and the party taking the appeal shall pay a charge for such mailing in an amount approved by resolution of the City Council.
4. Parties to an appeal shall be accorded the right to appear in person, or by or with an authorized agent.
5. Parties to an appeal shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts provided:
  - (a) The submission of evidence in written form shall be provided for by the procedures of the Board of Zoning Appeals where the interest of any party will not be prejudiced thereby;

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\* Sec. 1706, Par. 3 Am., Sept. 23, 1996 Ord. No. 340

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- (b) The Board of Zoning Appeals shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and in the furtherance of this policy the Board of Zoning Appeals may limit cross-examination.
6. The City Clerk or his duly authorized representative acting as Secretary for the Board of Zoning Appeals shall prepare an official record for each appeal and the Board shall base its decision on this record and the evidence presented at the hearing. The official record shall include:
- (a) The relevant administrative records from which an appeal has been taken.
  - (b) Communications from the Mayor's Advisory Planning Committee relative to the appeal.
  - (c) Such testimony and additional documents or exhibits as may be offered in evidence in the hearing on the appeal.
  - (d) The requisite written findings of fact and orders disposing of the appeal that may be made by the Board of Zoning Appeals.
7. Upon the payment of costs, a copy of the documents in any appeal file shall be made available to the parties. The official record of an appeal shall be open to examination as a public record.

SEC. 1707. FEES:

The Zoning Board of Appeals shall not consider any matter until there is first paid a fee in the amount established by resolution of the City Council, except that such fee shall not be required where the City or any official thereof is the moving body.

## ARTICLE XVIII - AMENDMENTS

## SEC. 1800.\* CHANGES AND AMENDMENTS:

The City Council may amend, supplement or change this Ordinance. If a protest petition meeting the requirements of the Michigan Zoning Act is presented, such amendment shall not be adopted except by the favorable vote of three-fourths (3/4) of all the members of the City Council.

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\* Sec. 1800 Am., Oct. 22, 1984, Ord. No. 273

\* Sec. 2100 Am., Sept. 9, 2002, Ord. No. \_\_\_\_

**ARTICLE XIX - SEVERANCE CLAUSE**

**SEC. 1900.**

This Ordinance and the various parts, sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

**ARTICLE XX - INTERPRETATION****SEC. 2000.**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued which are not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces or larger lot areas than are imposed or required by such agreements, the provisions of this Ordinance shall control.

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ARTICLE XXI - VIOLATIONS AND PENALTIES

SEC. 2100.\*

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor punishable by fine of not more than Five Hundred (\$500.00) Dollars for each offense, or by imprisonment in the City or County Jail for not more than ninety (90) days for each offense, or may be both fined and imprisoned at the discretion of the Court. Any building which is erected, altered or converted or any use of premises which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared a nuisance per se. Any court having jurisdiction, shall order such nuisance abated and the owner or agent in charge of such building, structure or premises shall be adjudged guilty of maintaining a nuisance per se. The owner of any building, structure or premises, or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, or any architect, builder, contractor, agent, corporation, or person employed in connection with any building, structure or premises, or part thereof, where any condition in violation of this Ordinance shall exist or be created, and who has assisted knowingly in the commission of any such violation, shall each be guilty of a separate offense, and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

Each day that a violation is permitted to exist shall constitute a separate offense. The rights and remedies provided herein are cumulative, and in addition to any other remedies provided by law. Forbearance or delay in the enforcement of this Ordinance in any particular instance shall not be deemed a waiver of any violation nor preclude enforcement in connection with any future or continuing violation.

**ARTICLE XXII - REPEAL OF PRIOR ORDINANCE****SEC. 2200.**

Ordinance Number 158 adopted November 18, 1963 as amended, is hereby repealed as of the effective date of this Ordinance, provided however, that such repeal shall not have the effect of releasing, relinquishing or terminating any penalty, forfeiture or liability incurred under said Ordinance Number 158, as amended, or any parts thereof, or any suit, complaint, prosecution or proceeding instituted, made or pending for the enforcement of said ordinance, or any part thereof, or any remedy at law or in equity for any violation of said ordinance occurring or accruing prior to effective repeal date of said ordinances.

**ARTICLE XXIII - VESTED RIGHT**

**SEC. 2300.**

It is hereby expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.



ARTICLE XXIV - EFFECTIVE DATE

SEC. 2400.

Nothing in this Ordinance shall be construed to prevent the prosecution or abatement of any violation of the Zoning Ordinance adopted by the City of Grosse Pointe Farms on November 18, 1963 and amendments thereto, which was in existence at the effective date hereof.

SEC. 2401.

This Ordinance shall take effect twenty (20) days after its enactment or upon its publication whichever is later.

Made and passed by the Council of the City of Grosse Pointe Farms this 16th day of July A.D. 1973.

## ARTICLE XXV\*

## PROCEDURE FOR REVIEW OF DISCRETIONARY USES

## SEC. 2500.

Following receipt of an application for approval of a conditional use or other discretionary use, a notice of the receipt of the application shall be published in a newspaper of general circulation in Grosse Pointe Farms and shall be sent by certified mail to the owners of the property subject to the application, to all persons to whom real property is assessed within three hundred feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 5 and not more than 15 days before the application will be considered at a public hearing. The party making the application shall cause this notice to be given. The notice shall set forth:

- a. The nature of the development, use, structure, or activity for which the application has been made;
- b. the property which is the subject of the application;
- c. the time and place of the public hearing to be held to consider the application;
- d. the time and place written comments will be received concerning the application;

## SEC. 2501.

The City Council shall consider the application for the conditional use at a public hearing on a date established by the Clerk of the City. If a site plan is required for the conditional use, the plan shall also be considered at the public hearing.

## SEC. 2502.

After considering the application, the City Council shall approve such request if in addition to other standards set forth in this Ordinance, it shall find that the following standards are met by the proposed use:

- a. the application is consistent with and will promote the intent and purpose of this Ordinance;

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\* Art. XXV Added, Apr. 2, 1984, Ord. No. 270

- b. the proposed use, structure or activity will be compatible with adjacent land uses, the natural environment and natural resources, and the capacities of public services and facilities affected by the proposal;
- c. the application will promote the use of land in a socially and economically desirable manner, and maintain the character of the area;
- d. the proposed use structure activity is consistent with the public health, safety, and welfare of the residents of Grosse Pointe Farms.

## SEC. 2503.

The City Council may deny, approve, or approve with conditions the application for a use which may be granted on discretionary grounds under this Ordinance. The City Council's decision shall contain the statement of conclusions and shall specify the basis for the decision and any conditions imposed. Any conditions imposed shall be reasonable, and shall be designed to insure that the standards set forth in Section 1802 are met. These conditions may include but are not limited to increasing the required lot or required yard sizes, limiting the height of buildings, controlling the location and number of driveways, increasing the street width, increasing the number of off-street parking spaces, and requiring fencing, screening and landscaping to protect nearby property values.

Enacted: July 16, 1973  
Technical Amendments July 9, 2018, Ord. No. 192

**CITY OF GROSSE POINTE FARMS  
WAYNE COUNTY, MICHIGAN**

**Ordinance No. 348**

**CODE NO. 12-05**

**HISTORIC DISTRICTS ORDINANCE**

**AN ORDINANCE TO PERMIT THE DESIGNATION OF ONE OR MORE HISTORIC DISTRICTS WITHIN THE CITY, TO ENCOURAGE THE PRESERVATION OF RESOURCES HAVING HISTORIC SIGNIFICANCE, TO ESTABLISH THE HISTORIC DISTRICT COMMISSION, TO PROVIDE GUIDELINES AND REQUIREMENTS FOR THE EXTERIOR RENOVATION OF DESIGNATED HISTORIC STRUCTURES, AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATION THEREOF.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Purpose of Ordinance.** The purpose of this Ordinance is to:

- (a) Safeguard the heritage of the City of Grosse Pointe Farms by preserving one or more historic districts in the City which reflect elements of its cultural, social, economic, political, architectural, engineering or archaeological history;
- (b) Stabilize and improve property values in each designated district and the surrounding areas;
- (c) Foster civic beauty;
- (d) Strengthen the local economy;
- (e) Promote the use of historic districts for the education, pleasure and welfare of the citizens of the City and of the State of Michigan;
- (f) Encourage adaptive reuse of designated structures whose existence is threatened; and
- (g) Permit the utilization of tax incentives in connection with the renovation of designated structures.

**Section 2. Certain Definitions.** As used in this Ordinance:

(a) "Act" means the Michigan local historic districts act, Act 169 of the Public Acts of 1970, as amended.

(b) "Alter" and "alteration" mean work that changes the detail of a resource but does not change the basic size or shape of such resource.

(c) "Certificate of Appropriateness" means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

(d) "Commission" means the Grosse Pointe Farms Historic District Commission, established pursuant to Section 6 of this Ordinance.

(e) "Committee" means a Historic District Study Committee appointed by the City Council, pursuant to Section 11 of this Ordinance.

(f) "Demolition" means the razing or destruction (whether in its entirety or in part) of a resource and includes, but is not limited to, demolition by neglect.

(g) "Demolition by neglect" means neglect in maintaining, repairing or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

(h) "Denial" means the written rejection of a permit application for work that would be inappropriate and would adversely affect a resource.

(i) "Historic District" means an area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archeology, engineering or culture.

(j) "Historic preservation" means the identification, evaluation, establishment and protection of resources significant in history, architecture, archeology, engineering or culture.

(k) "Historic resource" means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archeology, engineering or culture of the City of Grosse Pointe Farms, of the State of Michigan, or of the United States.

(l) "Notice to Proceed" means written permission to issue a permit for work, pursuant to a finding under Section 7 of this Ordinance, which work otherwise would adversely affect a resource.

(m) "Open space" means undeveloped land, a naturally landscaped area or a man-made landscaped area that provides a connective link or a buffer between other resources.

(n) "Ordinary maintenance" means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, pertaining to its exterior condition. "Ordinary maintenance" does not change the external appearance of the resource, except through the elimination of usual and expected effects of weathering, age and use. "Ordinary maintenance" does not constitute "work" for purposes of this Ordinance.

(o) "Proposed Historic District" means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a Committee for the purpose of making a recommendation as to whether it should be established as a Historic District or added to an established Historic District.

(p) "Repair" means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes "work" for purposes of this Ordinance.

(q) "Resource" means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features or open spaces located within a Historic District.

(r) "Review Board" means the state historic preservation review board of the Michigan Historical Commission within the Michigan Department of State, or any successor state agency delegated similar responsibilities.

(s) "Work" means construction, addition, alteration, repair, moving, excavation or demolition of a resource.

**Section 3. Boundaries.** The boundaries of a Historic District shall be established by separate ordinance or by an amendment to this Ordinance, in each case following completion of the requirements set forth in Section 11 of this Ordinance.

**Section 4. Tax Abatements or Credits.** By enactment of this Ordinance, the City intends that all persons undertaking appropriate measures to preserve any resource within a designated Historic District, and who would otherwise qualify for tax abatements or credits allowed under existing or future state or federal legislation, be entitled to participate in such abatements and/or credits to the fullest extent of such legislation.

**Section 5. Requirement to Obtain Permit for Certain Work.** Prior to commencement of any work (including any construction, addition, alteration, repair,

moving, excavation or demolition) at a resource within any designated Historic District within the City of Grosse Pointe Farms, the owner of such resource must submit an application (in addition to any other building permit applications or license applications required by other ordinances or laws), according to the procedures set forth in this Ordinance, to ensure that such work will comply with requirements set forth in this Ordinance; provided that the requirements of this Ordinance pertaining to work at a resource apply only to (a) work that would affect the exterior appearance of the resource when viewed from the street or other public property, or (b) work that would diminish the structural integrity of the resource.

#### **Section 6. Historic District Commission.**

(a) Establishment. In order to execute the purposes declared in this Ordinance and to administer certain procedures as set forth in this Ordinance, there is hereby established a commission to be called the Grosse Pointe Farms Historic District Commission.

(b) Membership; Term; Appointments; Vacancies; Removals. The Commission shall consist of seven (7) members. Each member of the Commission shall reside in the City of Grosse Pointe Farms. Members shall be appointed by the City Council for a term of office of three (3) years, except that two (2) of the initial members shall be appointed for a term of office of one (1) year and two (2) of the initial members shall be appointed for a term of office of two (2) years. Members of the Commission shall be eligible for reappointment after their terms expire. A vacancy occurring in the membership of the Commission for any reason shall be filled by the City Council within sixty (60) calendar days of the vacancy, and the person so appointed shall serve for the remaining portion of the applicable term. At least one member of the Commission shall be appointed from a list of citizens submitted by a duly organized and existing local preservation society. Additionally, at least one member of the Commission shall be a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect duly registered in the State of Michigan, if a person with such qualifications resides in the City and is available for appointment and willing to accept such appointment. A majority of the members of the Commission shall have a clearly demonstrated interest in or knowledge of historic preservation. Members of the Commission shall serve without compensation. Any member or members of the Commission may be removed by vote of the City Council for neglect of duty, conflict of interest or malfeasance in office. The City Council shall issue a written notice to any member being considered for removal indicating the time, date and place for consideration by the Council, along with a specification of grounds upon which removal is being considered. At the time and place set, said member shall have an opportunity to be heard and may be represented by counsel. Decisions by the City Council regarding the removal of any member shall be final. A member's absence from three (3) consecutive regular meetings of the Commission shall automatically operate to vacate the seat of such

member, unless the absence is excused by the Commission by resolution setting forth such excuse.

(c) Duties and Powers.

(i) It shall be the duty of the Commission to review all plans for the construction, addition, alteration, repair, moving, excavation or demolition of resources in any Historic District. Such plans shall be approved by the Commission before a permit for such activity can be granted. In reviewing the plans, the Commission shall follow the U.S. Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 CFR Part 67, as modified or supplemented from time to time. The Commission also shall consider all of the following:

(A) The historical or architectural value and significance of the resource and its relationship to the historic value of the surrounding area;

(B) The relationship of any exterior architectural features of such resource to the rest of the resource and to the surrounding area;

(C) The general compatibility of the exterior design, arrangement, texture and materials proposed to be used; and

(D) Any other factor, including aesthetics, that the Commission finds relevant.

(ii) The Commission shall review and act upon only exterior features of a resource visible from the street or other public property, and shall not review or act upon interior arrangements unless interior work will cause visible changes to the exterior of the resource or would diminish the structural integrity of the resource.

(iii) The Commission may delegate the issuance of Certificates of Appropriateness for specified minor classes of work to its staff, to the Building Department or to another authority approved by the City Council. The Commission shall provide to said delegated authorities specific written standards for issuing the Certificates of Appropriateness under this subsection. Following the issuance of one or more Certificates of Appropriateness, said delegated authorities shall appear before the Commission at its next regularly scheduled meeting and the Commission shall review the Certificates of Appropriateness so issued. Such reviews are to serve the purpose of keeping the Commission informed as to what Certificates of Appropriateness for minor work have been issued since the last Commission meeting. On at least a quarterly basis, the Commission shall review the Certificates of Appropriateness, if any, issued by the aforesaid delegated authority to determine whether or not the delegated responsibilities should be continued.



(iv) In case of an application for work affecting the exterior appearance of a resource or for the alteration, moving or demolition of a resource, which the Commission deems so valuable to the City that the loss thereof would adversely affect the public interest of the City and its residents, the Commission shall endeavor to negotiate with the owner of the resource an economically feasible plan for preservation of such resource.

(v) If all efforts by the Commission to preserve a resource fail, or if it is determined by the City Council that public ownership is most suitable, the City Council, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts or grants. Such an acquisition shall be based upon the recommendation of the Commission. The Commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the City Council. Upon recommendation of the Commission and the approval of the City Council, the City may sell resources acquired under this subsection with protective easements included in the property transfer documents, if appropriate.

(d) Officers; Quorum; Notice of Meetings; Records and Reports.

(i) The Commission shall elect from its membership a Chairperson and a Vice-Chairperson whose terms of office shall be fixed by the Commission. The Chairperson shall preside over the Commission and shall have the right to vote. The Vice-Chairperson shall, in the case of the absence or disability of the Chairperson, perform the duties of the Chairperson.

(ii) One member of the Commission shall serve as its Secretary. The Secretary shall keep a record of all resolutions, proceedings and actions of the Commission and submit written reports regularly to the City Council.

(iii) At least four (4) members of the Commission shall constitute a quorum for the transaction of its business. Subject to the provisions set forth in this Ordinance, the Commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding regular meetings. The Commission shall provide for the calling of special meetings by the Chairperson or by at least two members of the Commission. All meetings of the Commission shall be open to the public in conformity with the Michigan open meetings act, as amended, and any person or his or her duly constituted representative shall be entitled to appear and be heard on any matter relevant to the issue(s) before the Commission prior to issuance of its decision.

(iv) Public notice of the time, date and place of meetings shall be given in the manner required by the Michigan open meetings act, as amended. Each notice shall contain the business address and telephone number of the Commission. The

notice must be posted at the principal office of the Commission, in addition to any other location deemed appropriate by the City Council, and may also be given on cable television or other similar medium. A meeting agenda shall be a part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission. Nothing in this subsection shall bar the Commission from meeting in an emergency session should there occur a severe and imminent threat to the health, safety or welfare of the public when two-thirds of the Commission members decide that delay would be detrimental to efforts to lessen or respond to the threat.

(v) The Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings and actions. The concurring affirmative vote of four members shall constitute approval of plans before it for review or for adoption of any resolution, motion or other action of the Commission.

(vi) The Commission shall submit a written annual report to the City Council of the general activities of the Commission and shall submit such special reports as may be requested by the City Council from time to time.

(vii) Documents and records prepared or maintained by the Commission shall be subject to the Michigan freedom of information act.

**Section 7. Procedure for Review of Plans to Construct, Alter, Repair, Demolish, Etc.**

(a) Filing of Application; Fees. Application for a permit to construct, alter, repair, move, add to, excavate or demolish any resource in a Historic District, shall be made to the Building Department. The Building Department shall determine whether the resource or any portion thereof is located within a Historic District. Plans shall be submitted together with the permit application, in such detail and covering such matters as may be required by the Building Department, minimally showing all exterior elevations and facades of the structure in question and also showing its relation to adjacent structures. A fee, in an amount established by resolution of the City Council, shall be charged to the applicant in connection with processing a permit application and shall be paid prior to consideration of the application by the Commission. Upon the filing of such application, the Building Department shall immediately determine the zoning classification of the parcel, and if it is determined to be located within a residential zoning district and for work on a new or existing residence or a new or existing residential accessory structure, the Building Department shall immediately notify the Commission of the receipt of such application and shall transmit it together with accompanying plans and other relevant information to the Commission. If the parcel is determined to be within any zoning classification other than residential or for consideration of any kind of request other than work on a new or existing residence or new or existing residential accessory structure, then additional processing requirements for site plan review must be completed and approved prior to review by the Commission. The City Council (acting pursuant to its

site plan review procedures) may, however, at any time during its review, refer such application to the Commission for the Commission's preliminary review. Upon preliminary approval of the required site plan, the Building Department shall immediately notify the Commission of the application and shall transmit the application to the Commission for its review.

(b) Restrictions on Issuance of Permits. Except with respect to minor classes of work delegated to the Building Department by the Commission, the Building Department shall not issue a permit and no proposed work shall proceed until the Commission has acted on the application by issuing a Certificate of Appropriateness or a Notice to Proceed.

(c) Action Upon Application. The Commission shall meet within thirty-five (35) days after a completed application has been received by the Building Department, and shall review the plans according to the duties and powers specified in this section and in Section 6 of this Ordinance.

(i) Approval of Application. If the Commission approves such plans, it shall issue a Certificate of Appropriateness which is to be signed by the Chairperson, attached to the application for a building permit and immediately transmitted to the Building Department. The Chairperson shall also stamp all prints submitted to the Commission signifying its approval. After the Certificate of Appropriateness has been issued and the building permit granted to the applicant, the Building Department shall, from time to time, inspect the work approved by such certificate and shall take such action as is necessary to ensure compliance with the approved plan.

(ii) Denial of Application. If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefor, in writing, to the Building Department and to the applicant. The Commission may advise what it thinks is proper if it disapproves of the plan submitted. The applicant, if he or she so desires, may make modifications to his or her plan and shall have the right to resubmit the application at any time after so doing. The denial of the application shall also include a notice to the applicant of his or her rights of appeal to the City Council, the State Historic Preservation Review Board of the Michigan Historical Commission and to the Circuit Court. The Commission's denial of an application shall be binding upon the Building Department.

(iii) Failure to Take Timely Action. The failure of the Commission to approve or disapprove of such plans within sixty (60) calendar days from the date of a completed application for permit, unless otherwise mutually agreed upon by the applicant and the Commission, in writing, shall be deemed to constitute approval, and the Building Department shall proceed to process the application without regard to a Certificate of Appropriateness.

(d) Ordinary Maintenance and Prior Permit Work. Nothing in this Ordinance shall be construed to prevent ordinary maintenance of a resource within a Historic District, or to prevent work on any resource under a permit issued by the Building Department or another duly delegated authority before the effective date of this Ordinance.

(e) Notice to Proceed. Work within a Historic District shall be permitted through the issuance of a Notice to Proceed by the Commission, if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following:

(i) The resource constitutes a hazard to the safety of the public, to the occupants of a structure or to the occupants of nearby properties;

(ii) The resource is a deterrent to a major improvement program which will be of substantial benefit to the community, and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing and environmental clearances;

(iii) Retention of the resource would cause undue financial hardship to the owner when a governmental action, an act of God or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the Historic District, have been attempted and exhausted by the owner; or

(iv) Retention of the resource would not be in the interests of the community as a whole.

**Section 8. Demolition by Neglect.** Upon a finding by the Commission that a historic resource, either in a Historic District or in a Proposed Historic District, which is subject to Commission review pursuant to the provisions of Section 7 hereof or otherwise, is threatened by demolition by neglect, the Commission may do either of the following:

(a) Require the owner of the resource to repair all conditions contributing to demolition by neglect; or

(b) If the owner does not make the required repairs within a reasonable time, the Commission or its agents, with the concurrence of the City Council, may enter the property and make such repairs as are necessary to prevent further demolition by neglect. The costs of the work shall be charged to the owner and may be levied by City of

Grosse Pointe Farms as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the Circuit Court.

**Section 9. Appeals.**

(a) Appeals Regarding Permit Applications.

(i) Appeal to the City Council or to the Review Board. A permit applicant aggrieved by a decision rendered by the Commission pursuant to Section 7 or Section 13 of this Ordinance may appeal such decision, at such applicant's election, either to the City Council under subparagraph (A) below or to the Review Board under subparagraph (B) below. A permit applicant aggrieved by a decision of the Commission is not required to submit an appeal to the City Council, but instead may elect to appeal directly to the Review Board under subparagraph (B) below (and thereafter may appeal a decision of the Review Board to the circuit court). In the event, however, that the applicant elects to appeal to the City Council under subparagraph (A) below, a further appeal may be taken to the Review Board under subparagraph (B) below and, pursuant to the Act, such further appeal to the Review Board must be exhausted before an appeal can be filed in the circuit court.

(A) An appeal by a permit applicant aggrieved by a decision rendered by the Commission pursuant to Section 7 or Section 13 of this Ordinance may be submitted to the City Council. Appeals must be in writing and must be filed with the City Clerk within sixty (60) days after the decision of the Commission is furnished to the applicant. The City Council shall fix a reasonable time for a public hearing on the appeal and the City Clerk (or a person designated by the City Clerk) shall cause notice of the public hearing to be sent, not less than ten (10) days prior to the date of the hearing, to all persons to whom real property within three hundred (300) feet of the boundary of the premises in question is assessed, and to the occupants of dwellings within three hundred (300) feet of the boundary of the premises in question, such notice to be sent via first-class mail. The applicant shall pay a charge for such mailing in an amount approved by resolution of the City Council. The City Council may, following consideration of such appeal, affirm, reverse or modify the decisions or actions of the Commission, and may order the Commission to issue a Certificate of Appropriateness or a Notice to Proceed.

(B) An appeal by a permit applicant aggrieved by a decision rendered by the Commission pursuant to Section 7 or Section 13 of this Ordinance, or an appeal by a permit applicant aggrieved by a decision rendered by the City Council pursuant to an appeal under subparagraph (A) above, may be submitted to the Review Board. Such appeal must be filed within sixty (60) days after the decision of the Commission (or, if applicable, the decision of the City Council on appeal) is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and

arguments in written form. The Review Board shall consider and act upon such appeal in accordance with its own established procedures and in accordance with the requirements of the Act.

(ii) Appeal to the Circuit Court.

(A) Permit Applicants. A permit applicant aggrieved by a decision of the Review Board may appeal such decision to the circuit court. A permit applicant may not appeal to the circuit court without first exhausting the right to appeal to the Review Board under subsection 9(a)(i)(B) above. An intermediate appeal to the City Council under subsection 9(a)(i)(A) above does not satisfy the applicant's obligation to exhaust administrative remedies before initiating an appeal to the circuit court.

(B) Other Parties. Any citizen aggrieved by a decision of the Review Board, or any duly organized historic preservation organization in the City aggrieved by a decision of the Review Board, or any owner of a resource within a Historic District aggrieved by a decision of the Review Board, or the City (if aggrieved by a decision of the Review Board) may appeal such decision to the circuit court.

(b) Other Appeals.

(i) Appeal to the City Council. Any citizen aggrieved by a decision of the Commission or the Building Department, or any duly organized historic preservation organization in the City aggrieved by a decision of the Commission or the Building Department, or any owner of a resource located within a Historic District aggrieved by a decision of the Commission or the Building Department, may appeal such decision to the City Council (except that a permit applicant aggrieved by a decision rendered by the Commission pursuant to Section 7 or Section 13 of this Ordinance may proceed in accordance with subsection 9(a) above). Appeals must be in writing and must be filed with the City Clerk within sixty (60) days after the decision of the Commission or the Building Department is furnished to the aggrieved party. If the appeal relates to specific premises, the City Council shall fix a reasonable time for a public hearing on the appeal and the City Clerk (or a person designated by the City Clerk) shall cause notice of the public hearing to be sent, not less than ten (10) days prior to the date of the hearing, to all persons to whom real property within three hundred (300) feet of the boundary of the premises in question is assessed, and to the occupants of dwellings within three hundred (300) feet of the boundary of the premises in question, such notice to be sent via first-class mail. The party initiating the appeal shall pay a charge for such mailing in an amount approved by resolution of the City Council. The City Council may, following consideration of such appeal, affirm, reverse or modify the decisions or actions of the Commission and/or the Building Department.

(ii) Appeal to the Circuit Court. Any party aggrieved by a decision of the City Council pursuant to subsection 9(b)(i) above may appeal the decision to the circuit court.

**Section 10. Failure to Obtain a Permit; Restoration Orders.** When work has been done upon a historic resource without a permit, and the Commission finds that the work does not qualify for a Certificate of Appropriateness, the Commission, with the concurrence of the City Council, may require an owner to restore the resource to the condition the resource was in before the inappropriate work was performed or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time specified by the Commission, the Commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply or cannot comply with the order of the court, the Commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a Certificate of Appropriateness in accordance with the court's order. The cost of the work shall be charged to the owner and may be levied by the City of Grosse Pointe Farms as a special assessment against the property. When acting pursuant to said order of the circuit court, the Commission or its agents may enter a property for purposes of this section.

**Section 11. Establishment, Amendment or Elimination of a Historic District.**

(a) Appointment of Historic District Study Committee. Before establishing, amending, adding properties to, removing properties from or eliminating any Historic District, the City Council shall appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall contain representation from one or more duly organized local historic preservation organizations.

(b) Duties of the Historic District Study Committee. The Committee shall undertake each of the various activities authorized and required by the Act, including the following:

(i) Completion of a photographic inventory of resources within each Proposed Historic District following procedures established or approved by the Bureau of History of the Michigan Department of State;

(ii) Completion of basic research of each Proposed Historic District and the historic resources located within that district;

(iii) Determination of the total number of historic and nonhistoric resources within a Proposed Historic District and the percentage of historic resources of

that total. In evaluating the significance of historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places and criteria established or approved by the Bureau of History of the Michigan Department of State, if any;

(iv) Preparation of a preliminary report that addresses at a minimum all of the following:

(A) The charge of the Committee;

(B) The composition of the Committee membership;

(C) The Proposed Historic District(s) studied;

(D) The boundaries for each Proposed Historic District (both in writing and shown on suitable maps);

(E) The history of each Proposed Historic District; and

(F) The historical significance (relative to the evaluation criteria) of each Proposed Historic District as a whole, the historical significance (relative to the evaluation criteria) of a sufficient number of individual resources within each district to fully represent the variety of resources found within such district;

(v) Transmittal of copies of the preliminary report for review and recommendations to the City Council, to the Bureau of History of the Michigan Department of State, to the Michigan Historical Commission and to the Review Board;

(vi) Holding of a public hearing, not less than sixty (60) calendar days after the transmittal of the preliminary report, in conformity with the requirements of the Michigan open meetings act. Notice will be published of the time, date and place of the hearing, and written notice thereof shall be mailed by first-class mail not less than fourteen (14) days before the hearing to the owners of properties within any Proposed Historic District, as listed on the tax rolls of the City of Grosse Pointe Farms; and

(vii) Preparation and submission to the City Council, as soon as practicable following such public hearing, of a final report with the Committee's recommendation to the City Council.

The City Council shall consider and act upon the recommendations of the Committee according to the procedures established by the Act and as set forth in this Ordinance. Any activities or actions taken by a Committee duly appointed by the City Council prior to the enactment of this Ordinance shall be deemed authorized under and in conformity with



this Ordinance. The Committee shall ensure that all writings prepared, owned, used, in possession of or retained by the Committee in the performance of any official function (including any preliminary or final reports as described above) shall be made available to the public.

(c) Removal of Properties from Historic District or Elimination of Historic District. If considering amendment of a Historic District to remove one or more properties or resources therefrom or if considering the elimination of a Historic District, the Committee shall follow the procedures established by the Act and as referenced in subsection (b) above for issuing a preliminary report, holding a public hearing and issuing a final report and recommendation to the City Council. The removal of properties or resources from a Historic District or the elimination of a Historic District shall be based upon one or more of the following findings:

1. The Historic District, or a particular resource therein, has lost those physical characteristics that enabled establishment of the District; or
2. The Historic District, or a particular resource therein, was not significant in the way previously defined; or
3. The Historic District was established pursuant to defective procedures; or
4. The Historic District or the continued inclusion of one or more resources therein is contrary to the interests of the community as a whole.

**Section 12. Historic Review Fee.** If a property owner in the City of Grosse Pointe Farms reasonably believes his or her property to be of historic value and significance, a Committee appointed pursuant to the provisions of this Ordinance shall, upon written request by such property owner, evaluate the proposed resource to determine if it would meet the requirements for designation as a historic resource or inclusion within a Historic District under the provisions of this Ordinance. Said evaluation shall not commence until the property owner has paid in full a fee in an amount established by resolution of the City Council from time to time in order to defray the expenses of the Committee in connection with such review.

**Section 13. Demolition Applications; Fees.**

(a) Resources in a Historic District. The procedures applicable to proposed demolition of a resource located in a Historic District are set forth in Section 7 of this Ordinance.

(b) Structures in a Proposed Historic District. If a property owner proposes to demolish any structure in a Proposed Historic District, a permit therefor shall not be issued until the earlier of (i) the date on which the Commission issues a written decision under this section approving the issuance of a demolition permit or (ii) sixty (60) days after the filing of the permit application. The applicant shall be required to pay a fee in an amount established by resolution of the City Council from time to time in order to

defray the expenses of the Commission in connection with a review of the potential historical significance of the resource. Such review shall be undertaken by the Commission as soon as practicable following receipt of the demolition permit application, and in any event within sixty (60) days after the filing of the application. Following such review, the Commission may either (a) issue a written decision approving the issuance of a demolition permit, based upon a finding that the resource either would not qualify for designation as a historic resource or would otherwise meet the criteria for issuance of a Notice to Proceed, or (b) submit a recommendation to the City Council that the resource be designated for inclusion within a Historic District or a Proposed Historic District, in which event, pending action on such recommendation by the City Council, no demolition permit shall be issued.

(c) Other Structures. For all structures other than those located within a Historic District or a Proposed Historic District, the Building Department, upon receiving a demolition permit application, shall make a tentative determination whether the structure(s) in question would meet the criteria of a historic resource. If the Building Department determines that such criteria are not satisfied, then, subject to the applicant's compliance with any other applicable ordinances, a demolition permit may be issued forthwith. If the Building Department determines that the structure might be deemed a historic resource, then the Building Department shall immediately refer the matter to the Commission, in which event the procedures established in subsection 13(b) above shall be followed.

**Section 14. Proposed Historic Districts; Emergency Moratorium.** Upon receipt of substantial evidence showing the presence of historic, architectural, archeological, engineering or cultural significance of a Proposed Historic District, the City Council may adopt a resolution requiring that all applications for permits within the Proposed Historic District be referred to the Commission as prescribed in Section 7 of this Ordinance, in which event the Commission shall review permit applications with the same powers that would apply if the Proposed Historic District were an established Historic District. Such procedures may continue in the Proposed Historic District for not more than one year (or for a shorter period of time designated by the City Council), or until such time as the City Council approves or rejects the establishment of the Historic District by ordinance, whichever occurs first. If the City Council determines that pending work will cause irreparable harm to resources located within an established Historic District or a Proposed Historic District, the City Council may by resolution declare an emergency moratorium of all such work for a period not to exceed six months. The City Council may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

**Section 15. Amendments.** Any amendment to this Ordinance may be made from time to time by the City Council, provided that prior to the adoption of any amendments

establishing, modifying or eliminating one or more Historic Districts, a study committee, appointed pursuant to the provisions hereof, makes the study reports and recommendations required by the Act and by Section 11 of this Ordinance.

**Section 16. Acceptance of Gifts, Grants or Bequests.** The City may accept gifts, grants or bequests from the State or Federal government for historic restoration purposes or historic purposes; it may accept public or private gifts, grants or bequests for said purposes, provided that such gifts, grants or bequests are not used for the purpose of paying any fees or expenses arising out of any litigation. The Commission shall administer on behalf of the City said gifts, grants or bequests for the purposes herein provided. The City Treasurer shall be custodian of funds of the Commission, and authorized expenditures shall be certified by the City Treasurer and by the Secretary or other officer designated by said Commission. The Commission shall annually report to the City Council any money it shall receive or expend.

**Section 17. Violations; Penalties.** Any person, individual, partnership, firm, corporation, limited liability company, organization, institution or agency of government that violates any of the provisions of this Ordinance is responsible for a civil violation and may be fined not more than five hundred dollars (\$500.00) for each violation or offense. Each day that a violation continues shall be a separate infraction under this Ordinance. The penalties established herein shall not limit or reduce any penalties applicable under the Act (which provides for a civil violation and a fine of not more than \$5,000). Any person, individual, partnership, firm, corporation, limited liability company, organization, institution or agency of government that violates any of the provisions of this Ordinance may be ordered to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished. The rights and remedies provided herein are cumulative, and in addition to any other remedies provided by law.

**Section 18. Severability.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance will not be affected thereby.

**Section 19 Effective Date.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: November 15, 1999  
Technical Amendments, July 9, 2018, Ord. No. 392

**CITY OF GROSSE POINTE FARMS  
WAYNE COUNTY, MICHIGAN**

**Ordinance No. 351**

**CODE NO. 12-05**

**HISTORIC DISTRICT BOUNDARIES ORDINANCE**

**AN ORDINANCE TO DESIGNATE THE BOUNDARIES OF CERTAIN  
HISTORIC DISTRICTS WITHIN THE CITY.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Designation of Historic District Boundaries.** Pursuant to Section 3 of the Historic Districts Ordinance, Ordinance No. 348, Code No. 12-05, and based upon the report and recommendation of the Grosse Pointe Farms Historic District Study Committee duly appointed in accordance with the provisions of said Historic Districts Ordinance, the following Historic Districts are hereby established:

(a) **District 1: The Grosse Pointe Farms Water Filtration Station and Joy Bells Historic District.** The boundaries of the Grosse Pointe Farms Water Filtration Station and Joy Bells Historic District are as follows:

That part of Lots 5, 6 and 7 and Outlot A of Lakeview Charles G. Morans Subdivision as recorded in Liber 21 of Plats, Page 67, and of Private Claim 123 described as beginning at the intersection of the southerly line of Moross Road with the westerly line of Lake Shore Drive 120 feet wide and proceeding thence southerly along said westerly line of a curve concave to the East, radius 4882.73 feet a distance of 180.29 feet, thence North 61 degrees, 11 minutes, 40 seconds West 179.10 feet, thence North 28 degrees, 48 minutes, 20 seconds East 60.70 feet, thence North 61 degrees, 11 minutes, 40 seconds West 250.0 feet, thence South 28 degrees, 48 minutes, 20 seconds West 90.70 feet, thence North 61 degrees, 11 minutes, 40 seconds West 448.77 feet to the easterly line of Grosse Pointe Boulevard, thence North 15 degrees, 39 minutes, 40 seconds East along said easterly line 207.25 feet to the southerly line of Moross Road, thence South 61 degrees, 11 minutes, 40 seconds East along said southerly line 870.40 feet to the Point of Beginning.

Part of parcel number 38 004 99 0003 000.

Commonly known as 29 Moross Road, Grosse Pointe Farms, Wayne County, Michigan.

(b) **District 2: The Grosse Pointe Farms Pumping Station Historic District.** The boundaries of the Grosse Pointe Farms Pumping Station Historic District are as follows:

That part of Private Claim 404 described as beginning at the intersection of the easterly line of Mack Avenue and the northerly line of said Private Claim 404, thence proceeding South 64 degrees, 00 minutes, 34 seconds East along said northerly line of Private Claim 404 674.46 feet to the Point of Beginning; thence continuing South 64 degrees, 00 minutes, 34 seconds East along said northerly line of Private Claim 404 200 feet to the westerly line of Chalfonte Avenue 80 feet wide, thence South 10 degrees, 43 minutes, 34 seconds West along said westerly line 515.56 feet to the northerly line of Kerby Road 60 feet wide, thence North 63 degrees, 59 minutes, 44 seconds West along said northerly line 200 feet, thence along a line parallel to the westerly line of Chalfonte Avenue to the Point of Beginning on the northerly line of Private Claim 404.

Part of parcel number 38 005 99 0005 000.

Commonly known as 305 Chalfonte, Grosse Pointe Farms, Wayne County, Michigan.

(c) **District 3: The Provencal-Weir House Historic District.** The boundaries of the Provencal-Weir House Historic District are as follows:

The north 78 feet of the west 35.60 feet of Lot 6 and the north 78 feet of the east 41.60 feet of Lot 7; Charles G. Morans Subdivision, Private Claim 123, Liber 11, page 85, Wayne County Records.

Parcel number 38 003 03 006 008.

Commonly known as 376 Kercheval Avenue, Grosse Pointe Farms, Wayne County, Michigan

(d) **District 4: The Beverly Road Historic District.** The boundaries of the Beverly Road Historic District are as follows:

Joy Realty Co. Beverly Park Subdivision, Private Claim 241, Liber 819, Page 105 of Deeds, Wayne County Records.

Said Beverly Park Subdivision includes the following parcel numbers:

38 015 02 0001 001  
38 015 02 0001 002  
38 015 02 0003 000  
38 015 02 0004 002  
38 015 02 0006 002  
38 015 02 0008 000  
38 015 02 0010 000  
38 015 02 0011 000  
38 015 02 0012 001  
38 015 02 0012 002  
38 015 02 0014 000  
38 015 02 0015 000  
38 015 02 0016 001  
38 015 02 0016 002  
38 015 02 0017 002

All resources located within the boundaries of any of the Historic Districts identified above shall be subject to the provisions of the Historic Districts Ordinance, as the same may be amended from time to time. Any proposed revision to the boundaries of one or more of the Historic Districts identified above, or the proposed removal of any properties or resources from any of such Historic Districts, shall be governed by the procedures set forth in the Historic Districts Ordinance.

**Section 2. Filing with Register of Deeds.** Copies of this Ordinance and the Historic Districts Ordinance shall be filed with the Wayne County Register of Deeds in order to identify the boundaries of the Historic Districts established pursuant to Section 1 above.

**Section 3. Severability.** If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance will not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: December 6, 1999  
Technical Amendments, July 9, 2018, Ord. No. 392

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**CODE NO. 12-06 – FLOODPLAIN MANAGEMENT****Ordinance No. 382****AN ORDINANCE TO DESIGNATE FLOOD HAZARD AREAS UNDER THE STATE CONSTRUCTION CODE AND TO DESIGNATE AN ENFORCING AGENCY FOR FLOOD HAZARD MANAGEMENT.**

The City of Grosse Pointe Farms Ordains:

**Section 1. Purpose; Designation of Municipal Enforcing Agency.** (a) The purpose of this Ordinance is to designate regulated flood hazard areas under the provisions of the State Construction Code, Act No. 230 of the Public Acts of 1972, as amended, and in connection therewith to designate an enforcing agency to discharge the responsibilities of the City of Grosse Pointe Farms pursuant to such Act.

(b) The City's Department of Public Service, under the direction of the Director of Public Service, is hereby designated as the municipal enforcing agency to discharge the responsibility of the City within the municipal limits of the City (including its adjoining waters) for purposes of and in accordance with Section 8b(6) of the State Construction Code, Act No. 230 of the Public Acts of 1972, as amended, and the City assumes responsibility for the administration and enforcement of said Act throughout the municipal limits of the City.

**Section 2. Code Appendix Adopted and Enforced.** Pursuant to the provisions of the State Construction Code, Appendix G of the Michigan Building Code is hereby adopted by reference and shall be enforced within the City. Copies of the Appendix G of the Michigan Building Code are available for inspection at the office of the City Clerk. Photocopies of Appendix G of the Michigan Building Code may be obtained from the City Clerk at a reasonable charge.

**Section 3. Designation of Regulated Flood Prone Hazard Areas.** The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled “Wayne County, Michigan (All Jurisdictions)” dated October 21, 2021 and the following Flood Insurance Rate Map(s) (FIRMS) panel number(s) 26163CIND1C, 26163CIND2C, 26163C0142F, 26163C0143F, 26163C0144F effective October 21, 2021 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

**Section 4. Repeal.** All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**Section 5. Invalidity.** If any provisions of this ordinance or its application to any conditions shall be held invalid, the remainder of the ordinance or its application to other conditions shall not be affected thereby.

**Section 6. Immediate Effect.** It is hereby declared that this ordinance is immediately necessary for the preservation of the public peace, health and safety, and is therefore given immediate effect.

Enacted: January 9, 2012  
Technical Amendments, July 9, 2018, Ord. No. 392