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## Lincoln Park Code of Ordinances

**CHAPTER 676**  
**Safety, Sanitation and Health**

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- 676.01 Abandoned refrigerators and airtight containers.
- 676.02 Smoking in retail stores.
- 676.03 Smoking in public places.
- 676.035 Use or possession of tobacco products by minors in public.
- 676.04 Public nuisances.
- 676.05 Unlawful deposits; littering; use of dumpsters and receptacles.
- 676.06 Police radio interference.
- 676.07 Vegetation and noxious accumulations, snow, ice, property nuisances.
- 676.08 Wood piles.
- 676.99 Penalty.

***CROSS REFERENCES***

Health and sanitation generally - see Mich. Const. Art. 4, Sec. 51; M.C.L.A. Secs. 750.466 et seq.

Council powers re nuisances - see CHTR. Ch. VI Sec. 27

Public safety generally - see M.C.L.A. Secs. 750.493 et seq.

Authority of Health Officer re nuisances - see ADM. 230.02

Environmental Ordinance Officer and Special Projects - see ADM. Ch. 232

Animal nuisances - see GEN. OFF. 610.09

Smoke emissions as nuisances - see GEN. OFF. 684.09

Sanitation at drive-in restaurants - see B.R. & T. 818.07 et seq.

Sanitation in food establishments - see B.R. & T. 824.08 et seq., 824.19

**676.01 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS.**

(a) No person shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container of any kind which has an airtight door or lock which cannot be released for opening from the inside of the ice box, refrigerator or

container.

(1979 Code Sec. 8.52.010)

(b) No person shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container of any kind which has an airtight snap-lock or other device thereon without first removing the snap-lock or doors from the ice box, refrigerator or container.

(1979 Code Sec. 8.52.020)

## **676.02 SMOKING IN RETAIL STORES.**

(a) Prohibitions; Exceptions. No person shall smoke in any retail store designed and arranged to accommodate more than 100 persons and in which combustible merchandise is sold or offered or exposed for sale, or in any retail store, building or section of a building in which the Fire Department or its authorized representative, by written order to the owner, occupant, firm or corporation having control or management thereof, finds that smoking therein is dangerous to life or property. However, smoking may be permitted in smoking rooms, restrooms, executive offices, restaurants, beauty parlors and barbershops therein, and in areas specifically designated by the Department or its representative by written order to the owner, occupant, firm or corporation having control or management thereof finding that smoking therein is not dangerous to life or property. (1979 Code Sec. 8.48.010)

(b) Use of Fire Producing Devices. The use of any spark, flame, match or fire producing device for purposes of demonstration is prohibited in any retail store, building or section of a building referred to in subsection (a) hereof unless written authorization therefor is given by the Department or its representative that the use of such device therein is not dangerous to life or property.

(1979 Code Sec. 8.48.020)

(c) Signs. The owner, occupant, firm or corporation having control or management of any such retail store, building or section of a building referred to in subsections (a) and (b) hereof shall post in conspicuous places notices by sign, or otherwise, reading "SMOKING PROHIBITED BY ORDER OF THE FIRE DEPARTMENT." (1979 Code Sec. 8.48.030)

## **676.03 SMOKING IN PUBLIC PLACES.**

(a) Purpose. The purpose of this section is to protect and promote the public health by reducing involuntary exposure to tobacco smoke in public places, in accordance with the intent of Act 198 of the Public Acts of 1986, as amended (M.C.L.A. 333.12601 et seq.).

(b) Prohibitions. An individual shall not smoke in a public place or at a meeting of a public body, except in a designated smoking area and except as otherwise provided in this section.

(c) Definitions. As used in this section, "smoking," "public place," "public body" and "meeting" shall have the same meanings set forth in Act 198.

(d) Smoking is prohibited within any part of any closed building, structure or vehicles owned, leased or

operated by the City.

(Res. 02-542. Passed 9-23-02.)

(e) Application of Section. (EDITOR'S NOTE: Division (e) was repealed by Resolution 02-542, passed September 23, 2002.)

#### **676.035 USE OR POSSESSION OF TOBACCO PRODUCTS BY MINORS IN PUBLIC.**

A person under eighteen years of age shall not possess or smoke cigarettes or cigars; possess or chew, suck or inhale chewing tobacco or tobacco snuff; or possess or use tobacco in any other form; on a public highway, street, alley, park or other lands used for public purposes, or in a public place of business or amusement. Pursuant to a probation order, the court may require a person who violates this section to participate in a health promotion and risk reduction assessment program under this section, and such person shall be responsible for the costs of participating in the program. In addition, a person who violates this section is subject to the following:

(a) For a first violation, the court may order the person to do the following:

(1) Perform not more than sixteen hours of community service in a hospice, nursing home or long-term care facility.

(2) Participate in a health promotion and risk reduction program, as described in this section.

(b) For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than thirty-two hours of community service in a hospice, nursing home or long-term care facility.

(c) For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than forty-eight hours of community service in a hospice, nursing home or long-term care facility.

(d) Requirements and orders of the court authorized by this section shall be in addition to or in lieu of the penalty provided in Section 676.99, at the discretion of the court.

(Res. 93-729. Passed 10-12-93.)

#### **676.04 PUBLIC NUISANCES.**

(a) Whatever annoys, injures or endangers the safety, health, comfort or repose of the public, offends public decency, interferes with, obstructs or renders dangerous any street, highway or navigable stream, or in any way renders the public insecure in life or property, is declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any of the provisions of this General Offenses Code.

(b) No person shall maintain, create or permit to be maintained a public nuisance in the City.

(1979 Code Sec. 8.20.010)

(c) No person shall keep, permit or allow conditions to exist, by the placement, discarding or disbursement of food, food byproducts, vegetables, garbage or animal food, that result in excretions of any type, including, but not limited to, excrement from animals or fowl, upon any public or private property, unless such food, food byproducts, vegetables, garbage or animal food is securely wrapped and placed in a rubbish receptacle in such a manner as to prevent any malodorous or offensive condition to exist and to prevent any nuisance to arise therefrom.

(Res. 98-269A. Passed 6-22-98.)

#### **676.05 UNLAWFUL DEPOSITS; LITTERING; USE OF DUMPSTERS AND RECEPTACLES.**

(a) No person shall place, deposit, throw, scatter or leave in any street, highway, lane, alley, public place or square, or on the private property of another, any grass clippings, bush trimmings, leaves, refuse, waste or other such materials, except in accordance with rules established by the Superintendent of Public Works.

(b) No person shall transport or dump any refuse or other waste material in such a manner as to cause the littering of any stream, public place or private property of another, or to cause the obstruction of any ditch, drain, culvert or gutter.

(1979 Code Sec. 8.20.030)

(c) No person shall litter or permit to be littered on any of the streets, alleys, sidewalks, drains, drainage easements or other public places within the City, by throwing, depositing, dripping, dumping or spilling, any trash, paper, dirt, mud, ashes, sand, glass, leaves, garbage, rubbish, debris or other materials, or deposit or cause the same to be deposited upon, or permit the same to be accumulated upon, any premises other than those designated as official City dumps or refuse containers.

(d) No person shall discharge any commercial or industrial water or any polluted or contaminated waste upon the sidewalks, streets, alleys or gutters within the City at any time.

(e) No person shall deposit or cause to be deposited, or sort, scatter or leave, any rubbish, earth, ashes, cinders, sawdust, hay, glass, manure, filth, paper, dirt, grass, leaves, twigs, shrubs, garbage or other waste material, or build or maintain any structure or things whatsoever for containing the same, in any public street, alley or property of the City. However, clean domestic ashes, free of glass, tin cans and other waste materials, may, with the permission of the Superintendent of Public Works, be spread upon an alley if, in the opinion of the Superintendent, such spreading of ashes will improve the condition of the alley.

(f) No person shall assist, aid, abet or encourage any person to violate this section.

(Res. 86-478. Passed 6-30-86.)

(g) No person shall deposit his or her rubbish on another person's property or make use of any garbage can, dumpster or trash receptacle belonging to another person or business entity in the City. For the purpose of this section, "use" includes the dumping, unloading, disposing or placing of rubbish in such receptacle or leaving his or her own trash containers, trash bags or other garbage on another person's property. This section does not apply to public rubbish cans placed for the disposal of litter throughout the City.

(Res. 94-485. Passed 8-15-94.)

#### **676.06 POLICE RADIO INTERFERENCE.**

No person shall operate any machine, mechanical device, electrical device or thing that interferes with, or causes static in the operation of, the police radio system. The operator of the machine or device shall immediately discontinue the use of such equipment upon being notified of its interference with the police radio system and shall not again place the same in operation until it has been repaired or modified so as not to interfere with the police radio system.

(1979 Code Sec. 8.20.080)

#### **676.07 VEGETATION AND NOXIOUS ACCUMULATIONS, SNOW, ICE, PROPERTY NUISANCES.**

(a) Declaration of Nuisance. Any tree, shrub, plant, weed, trash, debris, excessive accumulation of snow and ice on a sidewalk or right-of-way, refuse, filth or other noxious material which endangers public property or the health or safety of the public is hereby declared to be a public nuisance.

(b) Habitual Nuisance Declared. Any land or portion of land that is the subject of three violation notices in an eighteen month period is hereby declared to be a habitual nuisance. For the purpose of this chapter, appearance tickets or other court citations shall be prima facie evidence of "habitual nuisance".

(c) Responsible Party. For the purpose of this chapter, the responsible party for nuisance violations outlined herein shall be the owner, possessor or occupant of the parcel of real estate upon which a citation for nuisance has been declared.

(d) Prohibited Conditions. No owner, possessor or occupier of land, and no person having charge of any land in the City, shall allow the accumulation thereon of trash, debris or refuse, or excessive snow and ice on a sidewalk or right-of-way that impedes pedestrian traffic, or shall allow the non-woody surface vegetation growing thereon to exceed eight inches in height or yield seed that may spread to adjoining property.

For the purposes of this subsection, "land" shall include any alley or other way adjacent or appurtenant to said land, whether vacated or otherwise.

(e) Removal by Owners, Occupants, Etc.

(1) Every owner, possessor or occupant of land, and every person in charge of any land in the City, shall remove, destroy or cut, or cause to be removed, destroyed or cut, all dead or diseased trees, Canadian thistle, milkweed (asclepias cornutus), wild carrots, oxeye daisies or other noxious weeds, shrubs or plants growing thereon in such a manner as will effectively prevent such weeds, shrubs or plants from bearing seed or spreading to adjoining property, and, as necessary, shall cut or remove non-woody surface vegetation to prevent growth from exceeding eight inches in height.

(2) Every owner, possessor or occupant of land, and every person in charge of any land in the City, who allows the unlawful accumulation of materials set forth in subsection (b) hereof to remain on such land,

shall cause the same to be removed, destroyed or cut in the manner provided for in this chapter.

(f) Violation a Municipal Civil Infraction. Any violation of this chapter and parts thereof shall be a municipal civil infraction.

(g) Penalties. Upon a finding of responsibility for the first offence violation of this chapter, the penalty shall be a fine in the amount of one hundred dollars (\$100.00) and abatement of the nuisance within seven days. For a second offense within a twelve-month period; a fine in the amount of two hundred fifty dollars (\$250.00) and abatement within seven days shall be the penalty. Upon a finding of responsibility for a third and any subsequent violation of the Section, the fine shall be five hundred dollars (\$500.00) and immediate abatement by the City of Lincoln Park.

(h) Removal by City. If an owner, possessor, occupant or other person, upon notification of need to abate, or upon issuance of a citation, fails to comply with the removal, destruction or cutting required by this section within the prima facia indicated on the notice to abate or on the citation, the Police Chief or his/her designee shall cause the work to be done. The cost of abatement shall be charged against the premises and the owner in accordance with provisions of this Chapter and Section 44 of Chapter IX of the Charter. The City Treasurer shall collect such sums of money as are certified for the abatement thereof. The City may also file a "notice of furnishing" or "mechanic lien" when appropriate, against the title of said property, to assure collection for services performed.

(Res. 10-15A. Passed 2-16-10. Eff. 2-24-10.)

(i) Right of Entry for Removal. The Chief of Police, or his/her designated representative, is hereby authorized to enter upon any premises in the City for the purpose of removing or destroying noxious weeds, brush, grass, shrubs, plants, trees, snow, ice, non-woody surface vegetation, debris, refuse, filth or other noxious materials under this chapter which endangers public property or the health, safety and welfare of the public.

(Res. 10-15A. Passed 2-16-10. Eff. 2-24-10.)

(j) Date for Removal and Assessment of Costs for Removal. Removal and abatement shall occur on or after seven days notice as indicated on a notice of need to abate or remove said noxious accumulations, or upon conviction for said offense in the District Court.

(Res. 96-240. Passed 4-29-96; Res. 98-377A. Passed 9-8-98; Res. 04-671A. Passed 1-18-05.)

## **676.08 WOOD PILES.**

(a) Wood Pile Defined. As used in this section, "wood pile" means all wood, logs, twigs, branches, stumps and stakes, and includes wood items used for fireplaces or woodburning stoves, regardless of the amount or number of pieces of wood.

(b) Storage. No person shall maintain or store a wood pile in the City unless the wood pile meets the following storage specifications:

(1) Storage shall be permitted only on a secure rack, base or other device that keeps the wood one foot above the ground to prevent the infestation of rodents and vermin.

(2) Storage of the wood shall be in an orderly and neat fashion and the wood pile shall not be stacked higher than four feet from the ground on which the base is affixed.

(3) A wood pile shall be located in the back yard of a residential home, at least three feet from any paved sidewalk, driveway or right of way.

(4) A wood pile shall not be permitted in the side yard of a residential home, with the exception of corner lots where it is shown that it is impractical to store wood in the back yard.

(Res. 89-572. Passed 10-16-89.)

### **676.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

(a) Whoever violates Section 676.035 is guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) for each offense.

(Res. 93-729. Passed 10-12-93.)

(b) EDITOR'S NOTE: This Subsection (b) was repealed by implication on the enactment of Res. 04-671A, passed January 18, 2005. The current penalty for Section 676.07 is contained therein at Subsection (g).

(c) Whoever violates Section 676.08 is responsible for a Municipal civil infraction and shall be subject to payment of a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction. Repeat offenses under this section shall be subject to increased fines as provided in Section 202.101 of the Administration Code.

(Res. 96-241. Passed 4-29-96.)