

**TITLE IX - POLICE REGULATIONS  
CHAPTER 111  
DISORDERLY CONDUCT**

**9.1. Definitions.**

- (1) The term "public place" as used in this Chapter shall mean any street, alley, park, public building, parking lot, body of water, any place of business or assembly open to or frequented by the public, and any other place to which the public has access.
- (2) The term "public nudity" shall mean knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
  - (a) A woman's breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
  - (b) Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
  - (c) Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

(Ord. No. 658, 03-06-00)

**9.2. Acts Prohibited.**

No person shall:

- (1) Discharge a pistol or other firearm, or bow and arrow in the City, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the city council.
- (2) Discharge a "pneumatic gun" (as defined by State Law) in any area within the City that is so heavily populated as to make that conduct dangerous to the inhabitants of that area. The discharge of pneumatic guns is allowed at a duly established range, the operation of which has been approved by the city council, on other property where firearms may be discharged as approved by the city council, or on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property. An individual below the age of 16 who is in possession of a pneumatic gun must be under the supervision of a parent, a guardian, or an individual 18 years of age or older, except on or within private property if the individual below the age of 16 is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun
- (3) Point, wave about, or display a pneumatic gun in a threatening manner with the intent to induce fear in another individual.
- (4) Engage in public nudity.
- (5) Engage in any disturbance, fight, or quarrel in a public place.
- (6) Obstruct traffic on any street or sidewalk without the approval of the City manager.
- (7) Refuse to leave a public meeting after having been validly ordered to leave the meeting pursuant to a rule or bylaw of the public body holding the meeting.

(Ord. No. 605, 4-19-93; Ord. No. 658, 03-06-00; Ord. No. 773, 09-21-2015)

**9.3. Misdemeanor.**

Each person violating any provision of Section 9.2 of this Code shall be guilty of a misdemeanor. A person convicted violating

any provision of Section 9.2 shall be punished by a fine of not more than five hundred dollars (\$500) and costs of prosecution, or by imprisonment for not more than ninety (90) days, or both.

(Ord. No. 658, 03-06-00; Ord. No. 665, §4, 02-19-01)

**9.4. Acts Prohibited (Civil Infraction).**

No person shall:

- (1) Disturb the public peace and quiet by loud, boisterous or vulgar conduct.
- (2) Permit any place occupied or controlled by him or her to be a place in which noisy, boisterous or disorderly persons are present.

(Ord. No. 658, 03-06-00; Ord. No. 665, §5, 02-19-01)

**9.52. Possession or Consumption of Open Intoxicants.**

No person shall possess open intoxicants or consume intoxicants in a public place unless such possession or consumption is allowed by state law or this Code.

(Ord. No. 658, 03-06-00)

## CHAPTER 112 CURFEW

### 9.91. Minors under 12.

No minor child under the age of twelve (12) years shall loiter, idle, or congregate in or on any public street, highway, alley, park or other public place between the hours of 10:00 p.m. and 6:00 a.m. unless the child is accompanied by a parent or guardian, or some adult person over the age of eighteen (18) years delegated by a parent or guardian to accompany said child.

### 9.92. Minors under 15.

No minor child under the age of fifteen (15) years shall loiter, idle or congregate in or on any public street, highway, alley, park or other public place between the hours of 11:00 p.m. and 6:00 a.m., except where the child is accompanied by a parent or guardian, or some adult person over the age of eighteen (18) years delegated by the parent or guardian to accompany the minor, or where the minor child is upon an errand or other legitimate business directed by his parent or guardian.

### 9.93. Minors under 17.

No minor under the age of seventeen (17) years shall loiter, idle, or congregate in or on any public street, highway, alley, park, or other public place between the hours of 12:00 a.m. and 6:00 a.m. except where the minor is accompanied by a parent or guardian, or some adult person over the age of eighteen (18) years, delegated by the parent or guardian to accompany said minor child, or where the minor is upon an errand or other legitimate business directed by his parent or guardian.

(Ord. No. 674, 09-03-02)

### 9.94. Aiding Underage Children to Violate Law.

Any person of the age of seventeen (17) years or over who shall assist, aid, abet, allow, permit, or encourage any minor under the age of seventeen (17) years to violate the provisions of section 9.91, 9.92 or 9.93 hereof, or shall harbor any such child in any other public place or on its premises, contrary to the provisions of sections 9.91, 9.92 or 9.93 hereof, shall be guilty of a misdemeanor punishable by a fine of not more that five hundred dollars (\$500) and costs of prosecution or by imprisonment for not more than ninety (90) days, or both.

(Ord. No. 658, 03-06-00)

### 9.95. Parents, Guardians, etc.

Any parent, guardian or other person having the legal care or custody of any minor child under the age of seventeen (17) years who shall allow or permit such minor child while in his legal custody, to loiter, idle or congregate in or upon any public street, highway, alley, park or other public place, contrary to sections 9.91, 9.92 or 9.93, shall be guilty of a misdemeanor punishable by a fine of not more that five hundred dollars (\$500) and costs of prosecution or by imprisonment for not more than ninety (90) days, or both.

(Ord. No. 658, 03-06-00)

### 9.96. Juvenile Arrest Procedure.

Arrests and prosecution of minors under the age of seventeen (17) years for violation of this Chapter shall be in accordance with Section 14 and the other provisions of Chapter XIIA (M.S.A. Sec. 27.3178 (5.98.1) et seq.) of Act 288 of the Public Acts of 1939, State of Michigan, as amended.

### 9.97. Definitions of Words and Phrases.

The following words and phrases used in this Article are defined as follows, to-wit:

- (1) The word "Loiter" as used herein, shall include aimlessly driving, or riding in or on any automobile, motorcycle,

- motor driven cycle, or any other motor driven vehicle, on the streets, alleys, highways, or public thoroughfares of the City without an immediate and predetermined destination.
- (2) The phrase "other public places" shall include privately owned places of business, and the premises thereof, serving the public or open to the public, such as restaurants, laundymats, gas stations, theaters, and other places of public amusement.
  - (3) The word "harbor" shall include the tacit or express permission to said child by the owner, proprietor, occupant, or any of their agents, to remain on or about the premises for a time longer than reasonably necessary for said child to transact such business as he may there have.

**CHAPTER 113  
ANIMALS**

(Ord. No. 658, 03-06-00; Ord. No. 651, 04-05-99; Ord. No. 606, 07-19-93)

**9.121. Removal of Droppings.**

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No person owning, keeping, in possession of or in charge of any animal shall allow the animal to defecate on any public property, public sidewalk, public right-of-way, or upon any other type of public property, or upon any private property without the permission of the owner of the property unless:

- (1) The person who owns, keeps, is in possession of or is in charge of the animal shall immediately remove all droppings deposited by the animal by a sanitary method and dispose of the droppings in sanitary method which may include placing the droppings in a public refuse receptacle if the droppings are in an airtight container or airtight bag.

(Ord. No. 651, § 1, 4-5-99; Ord. No. 665, §2, 02-19-01; Ord. No. 702, §1, 05-16-05; Ord. No. 735, §1, 11/17/08; Ord. 735, 11/17/08 )

**9.122. Animal Control.**

**A. Definitions.**

- (1) Except for Section 9.121, the term "animal", as used in this Chapter, shall mean a dog or a cat. In Section 9.121, the term "animal" shall not be limited to a dog or cat, but shall mean any warm-blooded organism other than a human. (Ord. 735, 11/17/08)
- (2) The term "control" means the management of the location and/or direction of travel of the animal.
- (3) The term "owner's property" shall mean land which is owned by the animal owner or which the animal owner rents as well as land on which the animal owner has permission to be with his or her animal.
- (4) An owner of an animal includes a person who has a right of proprietorship in such animal, as well as a person who has possession or care of an animal even if such person has no right of property in such animal.

(Ord. No. 651, § 1, 4-5-99; Ord. No. 658, 03-06-00; Ord. No. 702, §1, 05-16-05)

No person shall:

- (B) While not on the animal owner's property have or permit his or her animal to be outside of a structure or vehicle unless the animal is on a leash and under control;
- (C) Permit his or her animal or an animal under his or her possession to defecate at a location which is not the owner's property; provided, however, it shall not be a violation of this Chapter if the feces is immediately cleaned up and placed in a trash receptacle or taken to a location where the owner has permission to dispose of the feces; or
- (D) Have or permit an animal required to be licensed, required to be immunized against rabies, or both to be outside the owner's property unless licensed as required by law and unless wearing its license tag and evidence of rabies immunization if required by law.

(Ord. No. 702, §1, 05-16-05)

### **9.123. Beaches.**

From Memorial Day to Labor Day, no person owning, keeping or in charge of a dog shall permit the dog to enter the sand beach area directly adjacent to the lake water at those City parks identified as: Michigan Beach, Depot Beach and Ferry Beach.

(Ord. No. 651, 04-05-99; Ord. No. 658, 03-06-00; Ord. No. 665, 02-19-01; Ord. No. 702, §1, 05-16-05)

### **9.124. Container.**

No person owning, keeping or in charge of an animal shall permit the animal to be on any public property, public sidewalk, public right-of-way, or upon any other type of public property whatsoever, or upon any private property without the permission of the owner of the property, unless the animal is accompanied by a person who has in the person's possession a container or bag of sufficient size to collect and remove the droppings of the animal. The person accompanying the animal shall show the container to any City police officer or authorized city personnel if requested.

(Ord. No. 665, 02-19-01; Ord. No. 658, 03-06-00; Ord. No. 665, §3, 02-19-01; Ord. No. 735, § 2, 11-17-08; Ord. No. 735, 11/17/08)

### **9.125. Dog Regulations – East Park Area.**

From Memorial Day to Labor Day, no person, who owns, keeps or possesses a dog, shall permit the dog to enter on or within the regulated portion of East Park unless the dog is on a leash and is under control of the person holding the leash. However, during a city-approved event in East Park, no person, who owns, keeps or possesses a dog, shall permit the dog to enter the regulated portion of East Park even if the dog is on a leash and under the control of the person holding the leash. This prohibition of dogs in the regulated portion of East Park during city-approved events shall not apply to dogs that are performing in the city-approved event. For purposes of this section, the "regulated portion of East Park" shall mean that portion of East Park that is bounded by: on the north – the sidewalk to the south of East Clinton Street continuing to the north side of the Harbor Master Building ending at the sidewalk adjacent to Round Lake; on the south – the south wall of the Performance Pavilion continuing in a straight line to the sidewalk adjacent to Round Lake; on the east – the sidewalk which runs along Round Lake between the aforementioned northern and southern boundaries; and on the west – the sidewalk adjacent to the east side of Bridge Street between the aforementioned northern and southern boundaries. In addition, for purposes of this section, a "city-approved event" shall mean an event, festival or activity which has been approved or authorized by the City pursuant to this code, the City Charter or by virtue of the City's ownership of the land being used for the event, festival or activity.

(Ord. No. 730, 07/07/08)

### **9.135. Definitions.**

As used in section 9.136, the following definitions shall apply:

- A. "Central Business District" shall mean downtown district boundaries of the Downtown Development Authority as described in section 1.276 of the City Code as that section currently exists or as it is later amended.
- B. "Dangerous animal" shall mean:
  - (1) any animal which because of its size, vicious propensity or other characteristic, would constitute a danger to human life, property or domestic animals if not restrained or kept in a cage; or
  - (2) an ape, a monkey of any species, alligator, crocodile or snake.
- C. "Special event" shall mean a festival recognized by the city or other public gathering for which approval has been given by the city council.

(Ord. No. 697, §1, 01-15-04; Ord. No. 702, §3, 05-16-05)

### **9.136. Prohibition in Public Place.**

No person shall possess a dangerous animal in any city park or in or on any sidewalk, public road or other public place within the Central Business District. This prohibition shall not apply to a dangerous animal which is being transported in a vehicle or container which is capable of preventing injury to a person by the dangerous animal.

(Ord. No. 697, §2, 01-15-04; Ord. No. 702, §3, 05-16-05)

**9.137 Exception.**

Section 9.136 shall not apply to a person or entity which obtains permission from the city manager to possess a dangerous animal in a prohibited area. The city manager shall grant permission when the applicant presents information to the city manager that the dangerous animal will be used in conjunction with a special event and the animal, although technically meeting the definition of a dangerous animal, is not a danger to persons or domestic animals because of its training, behavioral history or other circumstances.

(Ord. No. 697, §3, 01-15-04; Ord. No. 702, §3, 05-16-05)

## CHAPTER 115 FIRE PREVENTION

### **9.181. Adoption of national fire prevention code by reference.**

Pursuant to the provisions of section 3(k) of Act 279 of the Public Acts of 1909, State of Michigan, as amended, the National Fire Prevention Code, 1976 Edition, as promulgated by the American Insurance Association, 85 John St., New York City, New York 10038 is hereby adopted by reference by the City of Charlevoix for the purpose of safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use of occupancy of buildings or premises. Complete printed copies of the Fire Prevention Code of the American Insurance Association, herein adopted, are available for public use and inspection at the office of the City Clerk.

### **9.182. References in Code.**

- (1) Wherever the word "municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Charlevoix.
- (2) Wherever the term "corporation counsel" is used in the Fire Prevention Code, it shall be held to mean the Attorney for the City of Charlevoix.
- (3) Wherever the term "Chief of the Bureau of Fire Prevention" is used in the Fire Prevention Code, it shall be held to mean the Chief of the Charlevoix Fire Department.

### **9.183. Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.**

The limits referred to in Section 12.5b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: all areas of the City except the "I" Industrial District.

### **9.184. Establishment of limits of districts in which manufacture and storage of fireworks is to be prohibited.**

The limits referred to in Section 13.3a of the Fire Prevention Code, in which manufacture and storage of fireworks is prohibited, are all areas of the City.

### **9.185. Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks is to be prohibited.**

The limits referred to in Section 16.22a of the Fire Prevention Code in which storage of flammable liquids in outside aboveground tanks is prohibited and the limits referred to in Section 16.61 of the Fire Prevention Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: all areas of the City except the "I" Industrial District.

### **9.186. Establishment of limits in which bulk storage of liquefied petroleum gases is to be restricted.**

The limits referred to in Section 21.6a of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: all areas of the City except the "I" Industrial District.

### **9.187. Modifications.**

The Chief of the Fire Department shall have power to modify any of the provisions of the Code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the Chief of the Department and a signed copy shall be furnished the applicant.

**9.188. Appeals.**

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the Chief of the Fire Department to the City Council within thirty (30) days from the date of the decision appealed.

**9.189. Fires on pavement.**

It shall be unlawful for any owner, possessor, or occupier of any lot or premises, occupied or vacant, within the City Limits, or any person, firm or corporation having charge of such lot or premises to cause or permit the burning of leaves, trash or any other combustible materials in or upon the paved portion of any public roadway.

Any person violating this section shall, upon conviction therefore, be punished by a fine of not less than twenty-five (\$25.00) dollars.

**9.190. Penalties.**

- (1) Any person who shall violate any of the provisions of this Chapter shall be subject to the penalties specified for a violation of the City Code in Chapter 1 of said City Code.
- (2) Nuisance per se. Any building, structure or premises erected, used, occupied or maintained in violation of this Chapter is hereby declared to be a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation, or threatened violation, restrained and enjoined.

**CHAPTER 116  
BICYCLES AND SKATEBOARDS\***

(Ord. No. 658, 03-06-00)

**CHAPTER 117  
DIVING OR JUMPING FROM A BRIDGE**

**9.221. Diving or jumping.**

It shall be unlawful for any person to jump or dive from any bridge, within the City of Charlevoix.

**9.222. Causing to fall.**

It shall be unlawful for any person to shove, push or cause another person to fall from any bridge, wharf, dock or pier within the City of Charlevoix.

**9.223. Penalty.**

A violation of this section shall be a municipal civil infraction pursuant to Section 1.12 of this Code.

(Ord. No. 658 03-06-00)

**CHAPTER 118**  
**PROHIBITED SWIMMING/WADING AREAS**  
**(Ord 757, 04/16/12)**

**9.230. Prohibitions Related to the Pine River and Lake Michigan.**

As used in this section, Pine River shall mean the water that constitutes the river and all its extensions and further which is bounded on the north by the cement walkway located on the shore; on the east by the inlet of the river at the westerly end of Round Lake; on the south by the cement walkway on the shore; and on the west by the pier heads at the outlet of the river on Lake Michigan. In addition, as used in this section, "pier" means any pier located adjacent to the Pine River and shall include the entire length of each pier including the head or end of the pier and sides of each pier. It shall be unlawful for any person to:

- a. swim or wade in Pine River.
- b. swim or wade within fifteen (15) feet of a pier.
- c. dive from a pier.
- d. access the Pine River or Lake Michigan from a pier for the purpose of swimming, wading or diving.

**9.231. Violation—Misdemeanor.**

Each person violating any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500) and costs of prosecution, or by imprisonment for not more than ninety (90) days, or both.