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TITLE III - PARKS AND PUBLIC GROUNDS

CHAPTER 31

PARKS - GENERAL REGULATIONS

3.1. Definitions.

The words "Parks" and "Public Places," unless specifically limited, shall be deemed to include all parks, beaches, grass plots, playgrounds, recreational areas, athletic fields, and other areas which are now or may hereafter be acquired by purchase, gift, devise, bequeath, loan or lease, or other public playground, recreational area or athletic field located within the corporate limits of the City of Charlevoix. Any term in the singular shall include the plural.

3.2. Fires.

No person or persons shall kindle or build a fire in any public park or playground except in receptacles provided therefor, or in designated areas where such is permissible.

3.3. Fireworks.

No person shall discharge or set off any rocket, firecracker, roman candle or firework containing any substance of an explosive or flammable nature in any public park or playground. This section shall not apply to special fireworks exhibitions made pursuant to a permit from the city.

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

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 Repealed.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

3.5. Litter.

No person in any municipal park or recreation area shall bring in or dump or deposit bottles, glass, ashes, paper, garbage, or other refuse or trash, and no garbage or trash shall be placed in receptacles in the park, except that in the park use. Where receptacles are not so provided, all rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

3.6. Assemblies.

No parades, drills, expeditions, political meetings, religious meetings, concerts, speeches, lectures, or assemblages of person shall be held in any park, except upon written permission of the City Manager.

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

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 Repealed.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

3.8. Sleeping at Night.

No person shall sleep, whether in a vehicle, trailer, tent, hammock, or other manner, in the park, public way or other public place during the night time.

3.9. Hours.

The City Council shall establish, by resolution, such hours as the Parks or other Public Places shall be open to the public and no person or persons shall loiter or remain therein except during such hours as shall be so established.

3.10. Handbills and Posters.

No person shall advertise any placard or advertisement of any kind in the park; nor shall any person distribute any matter, or place any handbill, pamphlet, circular etc. nor post, stencil or otherwise affix any notice, bill, advertisement or other papers upon any structure or thing in or about the park unless it be with the written consent of the City Manager.

3.11. Business Activities.

No person shall carry on any trade or business or sell or display any goods, wares or merchandise in the park, unless it be with the written consent of the City Manager.

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

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

3.13. Motor vehicles and motorized vehicles.

- (1) All motor vehicles are prohibited from all park areas excepting the parking lot of said parks.
- (2) It shall be unlawful for any person to operate any motorized vehicle on any city-owned property, except on roadways and driveways located on said properties.

3.14. Alcoholic beverages—consumption prohibited in certain places.

It shall be unlawful for any person to consume alcoholic beverages in any part of any park which lies within one thousand (1,000) feet of U.S. Highway 31, except that such restriction does not extend to privately owned vessels moored in the yacht basin nor does it extend to any specific function authorized by the city manager, provided, however, that any person or persons or legal entity authorized to control any playground, recreational area or athletic field covered by this chapter which property is not owned, leased or rented by the City of Charlevoix, may extend authority to consume alcoholic beverages on said premises, upon written notification to the city manager.

3.15. Same—Possession or consumption prohibited in certain public places.

It shall be unlawful for any person to possess or consume alcoholic beverages, between the hours of 9:30 p.m. and 6:00 a.m. in any public park, playground, recreational area or athletic field owned, leased or rented by the City of Charlevoix. Provided, however, that such restriction does not extend to privately owned vessels moored in the yacht basin nor does it extend to any specific function authorized by the city manager as set forth in Section 3.14 of this Chapter.

(Ord. No. 508, 09-06-88, Ord. No. 658, 03-06-00)

CHAPTER 32*

RESERVED

***Editor's note**—Ord. No. 620, adopted Feb. 6, 1995 deleted Ch. 32, which pertained to the parks and recreation board, and which contained provisions presumably enacted during the initial codification.
(Ord. No. 620, 02-06-95)

CHAPTER 33
CITY CEMETERIES
(Ord. No. 647,11-16-98)

3.51. Definitions.

Unless the context specifically indicates otherwise, terms used in this chapter shall have the meanings set forth in this section:

- (1) *Cemetery* shall mean any public cemetery owned, managed or controlled by the city.
- (2) *Burial space* or *burial plot* shall mean a plot or portion of a plot in any cemetery designated and maintained for the burial of a human body or bodies and for no other purposes.
- (3) *Owner* shall mean any person or persons owning or possessing the privilege, license or right of burial in any burial space.

- (4) *Resident* shall mean any person who pays real or personal property taxes to the city or a person who is a qualified elector in the City of Charlevoix.

3.52. City cemeteries.

All city cemeteries shall be under the management, supervision and care of the city manager. The city manager shall, if necessary, cause such cemeteries to be laid out in plots, lots, blocks, drives and walks; the plots and lots to be numbered, blocks lettered, drives and walks therein to be named, and plats thereof to be made. City cemeteries may be established inside or outside of the city limits.

3.53. Rules and regulations.

The city council shall from time to time make, amend or delete rules and regulations for the burial of the dead, care, improvement and protection of the grounds, mausoleums, monuments and appurtenances of the cemeteries and the orderly conduct of persons visiting the same as the city council shall deem necessary. The city manager shall see that this chapter and all rules and regulations enacted by the city council are enforced.

3.54. Sale of plots.

- (1) All deeds for burial plots shall be executed on behalf of the city by the city clerk. Residents of the city shall be entitled to purchase a burial plot in any city cemetery according to the fee schedule applicable to residents. Nonresidents of the city shall also be entitled to purchase a burial plot in any city cemetery according to the fee schedule applicable to nonresidents. Prior to purchasing a burial plot, a person seeking such purchase or an authorized agent of the purchaser shall complete a questionnaire/application provided by the city concerning the applicant's residency and shall submit the completed application to the city clerk, sexton or their designated representative. The same may investigate the accuracy or completeness of the application. If the city clerk concludes that the applicant is not a resident, then the city clerk shall provide the applicant with written reasons upon which the decision was based. An incomplete application may be a basis for denial of residency. If the applicant is dissatisfied with the decision rendered by the city clerk, the applicant shall ten (10) days from the date the written notice was mailed or personally delivered to the applicant to file a written request with the city manager requesting a review of the city clerk's decision. The applicant shall include in the request for review all facts upon which the applicant relies to establish residency. The city manager shall investigate the application and render a written decision and shall mail a decision to the applicant at an address provided by the applicant or may personally deliver the decision to the applicant. The decision of the city manager shall be final. An applicant's failure to comply with the foregoing time limitations shall constitute a waiver of any right to a review of the city clerk's decision.

- (2) Upon the purchase of any burial plot, the city clerk shall prepare and deliver to the purchaser a duly executed deed for said burial plot. Such deed shall convey to the purchaser the right of burial only, and shall be subject to the provisions of this code, and such ordinances, rules, and regulations as may hereafter be adopted by the city.

3.55. Plot owner's burial rights.

The owner of any burial space in any city cemetery shall have right to burial of the dead only and shall allow no burials for remuneration. No rights to ownership of land is conveyed by a cemetery deed. In order for a burial to take place, a cemetery deed showing the current owner of the plot or an assignment of the cemetery deed showing the current owner of the plot must be recorded with the city clerk. The owner of a cemetery deed may be buried at the city cemetery pursuant to the cemetery deed or the owner of the cemetery deed may allow another person to be buried in the plot pursuant to the cemetery deed. If a plot is owned by more than one person, then a co-owner or a representative of the co-owner shall obtain the written consent of other co-owners before the burial of a co-owner or any other person takes place.

3.56. Records.

The city manager shall cause to be kept a register of all burials made in any city cemetery in which shall appear the name of the deceased, the date and place of burial and such other information as the city manager may deem appropriate. The city manager shall also cause to be kept proper records in which the deeds or assignments of deeds to all burial plots shall be recorded. These records shall also show if a resident fee or nonresident fee has been paid for the deed. If an assignment of an existing deed is made from a resident owner to a nonresident owner, then, at the time of the recording of the assignment, an additional fee shall be paid to the city in an amount equal to the difference between resident rates and nonresident rates for the type of plot in question. The rate differential shall be based upon rates which are in effect at the time that the assignment is recorded with the city clerk. There shall be no refund if a nonresident plot owner transfers ownership to a resident. Changes in ownership must be recorded with the city clerk before burial will be permitted. The city council may establish, by resolution, transfer fees.

3.57. Perpetual care.

The city council shall, from time to time, establish by resolution the amount to be paid for cemetery burial plots. This amount shall include a sufficient sum to provide for perpetual care of the plots so sold. The city may accept sums donated by any testator, trustee or other person for the care of the cemetery or any plots therein. The city shall be obligated to maintain and care for all plots in the cemetery for which perpetual care has been paid except as otherwise provided by the statutes of the State of Michigan. Any interest money available in any perpetual care fund or other cemetery fund belonging to the city shall be used for such cemetery purposes as the city council shall determine. If there is a transfer of a deed for which a perpetual care charge has not been paid, then before recording the transfer of any such deed, the city shall collect a new charge for perpetual care.

3.58. Fees.

The city council shall, from time to time, establish by resolution or as part of its annual budget the rates for cemetery services and other related cemetery fees, including fees for cemetery related services performed by the city clerk. There may be differing rates or fees for residents of the city and nonresidents. In the case of request for indigent burial, the city manager shall have the authority to waive applicable charges. If the owner of a cemetery deed is a nonresident at the time of his or her burial pursuant to the cemetery deed, then a nonresident burial fee will be charged.

CHAPTER 34
CHARLEVOIX HARBOR

3.81. Definitions.

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

- (1) "Charlevoix Harbor" means Round Lake, the upper channel of Pine River between Round Lake and a line parallel to and three hundred (300) feet East of the Pere Marquette Railroad Bridge; and Pine River between Round Lake and the outer end of the Government Piers.
- (2) "Persons" means an individual, partnership, corporation or association and includes the master, owner, pilot or other person in charge or in control of a vessel.
- (3) "Vessel" means any watercraft, including sailing vessels and watercraft propelled by any kind of motive power, row boats, canoes, scows, pile-drivers and dredges.
- (4) "Municipal Pier" means a pier or wharf owned by the City of Charlevoix or leased by it.
- (5) "Municipal Dock" means the space between two adjacent piers and the space alongside any single pier.
- (6) "Bathing Pier" means any pier or wharf owned by the City of Charlevoix and used for purposes connected with a public beach or waters.
- (7) The singular includes the plural and vice versa.
- (8) "City Dock Regulations" shall mean the rules and regulations from time to time established by the City Council to regulate the use of the Municipal piers, wharfs, and docks.

3.82. Unlawful Conduct.

It shall be unlawful:

- (1) For any person to navigate or operate, or cause to be navigated or operated, in Charlevoix Harbor, any vessel at a greater speed than six (6) miles per hour, nor at a greater rate of speed than is safe and reasonable under the then existing conditions and circumstances.
- (2) For any person to deposit or discharge, or cause to be deposited or discharged, in the waters of Charlevoix Harbor, or in any waters within the corporate limits of the City of Charlevoix, any rubbish, garbage, refuse, offal, sewerage, oil or any other foreign material or substance, or to place, deposit or leave, or cause to be placed, deposited or left, any such foreign material or substance upon any municipal pier or bathing pier therein, except as the same is deposited or left in a receptacle therefor provided by the City or its Harbor Master.
- (3) For any person to use any municipal pier, dock or wharf for the purpose of loading or unloading freight, machinery or other cargo, or for re-fueling any vessel, except such docks, piers or wharfs as are specially designated for such use and purposes, provided, that the required permit therefor is first obtained from the proper officials of the City and the City Dock Regulations and the orders of the Harbor Master and other authorized officers of the City are complied with. Provided further, that this provision shall not apply to vessel supplies or provisions other than fuel.
- (4) For any person to use or occupy any municipal dock or pier or any bathing pier for docking or mooring any vessel engaged in commercial business or other business for gain or profit, or for the storage of any such vessel or cargo or other material other than as may be permitted by "City Dock Regulations", except those docks, piers or wharfs which are specially designated for such use and purposes provided that the permit therefor is first obtained from the officials of the City of Charlevoix and the "City Dock Regulations" and the orders of the Harbor Master and other authorized City officials are complied with.
- (5) For any person to use any municipal dock, pier or wharf for mooring, docking, anchoring or storing any vessel for a longer period than is prescribed therefor, or in any other manner contrary to the "City Dock Regulations" adopted and published by the Council of said City, or without a license or permit therefor, issued under the provisions of this Code or said "City Dock Regulations."
- (6) For any person to destroy, mutilate, molest, remove, change the location of, or in any manner interfere with any official sign, poster or other notice or regulatory device placed upon or adjacent to any municipal dock or pier, bathing pier or revetment.

- (7) For any person to land or dock any vessel at any bathing pier except at the place thereon specially designated therefor, or to anchor any vessel within one hundred (100') feet of such pier, or to dock or anchor any vessel at or adjacent to any bathing pier for a longer period than one (1) hour in any period of five (5) hours.
- (8) For any person to navigate or operate any vessel in the waters adjacent to any bathing pier in such a manner or at a rate of speed so as to endanger the lives or safety of persons using such bathing pier or adjacent waters for bathing purposes, or in such a manner as to interfere with the free and proper uses of the bathing pier and waters.

3.83. Observance of Signs.

Every person shall observe, heed and obey all signs, posters and notices placed by lawful authority upon or adjacent to any municipal pier, bathing pier or revetment for the regulation and control of navigation and for the regulation and control of said municipal docks and piers and bathing piers.

3.84. Powers and Duties of the Harbor Master.

The Harbor Master shall have full supervision and control over the movements and anchorage of all vessels within the corporate limits and jurisdiction of the City of Charlevoix, subject to the laws of the United States in relation thereto. He shall have power, whenever the needs of navigation and the rights and safety of persons and property require, to order the moving or change of anchorage or docking of any vessel within said waters, and any person who shall refuse, fail or neglect to comply with such order shall be deemed guilty of a violation of this Code. He shall have supervision and control of all municipal docks and piers, subject to the provisions of this Code and the "City Dock Regulations" adopted by the City Council. He shall have power to, and it shall be his duty to, seize and remove any vessel moored at any municipal pier, wharf or dock contrary to any order of the Harbor Master or other authorized officials of the City of Charlevoix; he shall cause said vessel to be placed in storage under his control and the vessel shall not be released until the expense and charges for moving, docking and/or storage are paid to the Harbor Master by the owner or person lawfully in charge of said vessel. It shall be his duty to make prompt complaint to the proper Court for any violation of the provisions of this Chapter and aid in the prosecution thereof.

3.85. City Police.

It shall be the duty of all police officers of the City to aid and assist the Harbor Master in the enforcement of the provisions of this Chapter. Such police officers shall, during the absence or inability of the Harbor Master, or when so instructed by proper authority enforce the provisions of this Chapter with like powers and authority as are herein conferred upon the Harbor Master.

3.86. Rules and Regulations.

The City Council may, by resolution, adopt suitable rules and regulations for the control, management and operation of all municipal docks and piers, and bathing piers, including the fixing of rates and charges for the use thereof, the purposes for which the same be used and the duration of such use and the kind of location of all signs, posters, or notices to be placed thereon, not inconsistent with the provisions of this Code and the laws of the State of Michigan and of the United States.

3.87. Licenses.

All licenses under the provisions of this Chapter shall be issued in accordance with Chapter 71 of this Code.

3.88. Freight Loading Rates.

- (1) Commercial freight loading and unloading rates shall be twenty-five (\$25.00) dollars for the first hour and fifteen (\$15.00) per hour thereafter for loading and unloading at the commercial dock. The monitoring of the loading and unloading to be supervised by the Beaver Island Boat Company attendant.
- (2) Commercial loading and unloading at the Clinton Street Dock to be prohibited.
- (3) Off-season rates from November 1 through April 30 shall be one hundred dollars (\$100.00) for vessels up to fifty (50) feet, and one hundred fifty dollars (\$150.00) for vessels over fifty (50) feet. In addition special provisions for a meter shall be made if electric power is requested. Yacht rates will apply to commercial dock, when available. Any damage done to yacht docks by the winter tie-up will be the responsibility of the boat owner.

3.89. No-wake speed in certain parts of Round Lake.

- (1) *Definitions.* All phrases used in this section shall be construed and have the same meaning as those words and phrases as defined in Act 303 of the Public Acts of 1967, as amended, being MCLA 281.1001 et seq.:MSA 18.1287(1) et seq.
- (2) *Exceeding no-wake speed prohibited.* From and after the date of this section, on the waters of Round Lake, located entirely within the city limits of Charlevoix, Michigan, County of Charlevoix, from the railroad right-of-way on the easternmost end of the Pine River, to the westernmost end of the Lake Michigan pierhead, it is unlawful to exceed a slow no-wake speed.
- (3) *Repeal of conflicting provisions.* All other Ordinances or parts of Ordinances in conflict with this section are hereby repealed.
- (4) *Violations.* Violations of this section are deemed a misdemeanor and may be punished by a fine not to exceed five hundred dollars (\$500.00) together with costs of prosecution or imprisonment in the county jail or such other places of detention as the court may prescribe for a period not to exceed ninety (90) days or said fine, cost of prosecution and imprisonment at the discretion of the Court.
- (5) *Severability.* This section and the various parts, section, sub-sections, provisions, and clauses are severable. If any part of this section is found to be invalid or unconstitutional it is hereby declared that the remainder of this section shall not be affected thereby.
- (6) *Enforcement by county sheriff.* Pursuant to Section 17 of Act 303 of the Public Acts of 1967, as amended, the Charlevoix County Sheriff or his authorized Deputies shall enforce this local Ordinance No. 488, in accordance with the provisions of said Act.

(Ord. No. 488, 03-21-88)