

Chapter 88 - Nuisances

- 9.1 Public Nuisances Defined. Whatever annoys, injures, or endangers the safety, health, comfort or repose of the public; interferes with or destroys or renders dangerous any street, highway, allows accumulation of junk or obnoxious matters on private property; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Chapter and the common and statute law of this state.

NOISE CONTROL

- 9.5 Noises. Among others, each of the following acts is declared unlawful and is prohibited, but this enumeration shall not be deemed to be exclusive, namely
- (a) Horns and Signal Devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion except as a danger signal if another vehicle is approaching apparently out of control or to give warning of intent to get under motion, or if in motion, only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time;
 - (b) Radio and Musical Instruments. The playing of any radio, television, phonograph, or any musical instruments in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity;
 - (c) Shouting and Whistling. Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity;
 - (d) Hawking. The hawking of goods, merchandise or newspapers in a loud and boisterous manner.
 - (e) Animal and Bird Noises. The keeping of any animals or birds which by causing frequent or long continued noise shall disturb the comfort of any person;
 - (f) Whistle or Siren. The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger;
 - (g) Engine Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which effectively prevents loud explosive noises therefrom;
 - (h) Construction Noises. The erection (including excavating), demolition, alteration, or repair of any building, the excavation and/or grading of streets, highways, or

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private property other than between the hours of 7:00 a.m. and 8:00 p.m. on Mondays through Saturdays, unless a permit be first obtained from the Building Department for building work or from the Engineering Department for street work.

- (i) Handling Merchandise. The creating of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;
- (j) Devices to Attract Attention. The use of any drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention for any purpose.
- (k) Noise, Sound Amplification, or Commotion in Vehicles. To make a commotion, amplify sound, or make unnecessarily loud noises which are audible more than 50 feet from the vehicle, or whereby the peace and good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are disturbed.

(Rev. 08-06-1990)

- (l) Sound Trucks. To operate or cause to be operated a sound truck with radio or amplifier within the City without first having obtained a permit therefor from the City Council.

(Rev. 03-26-1979)

- (m) Exceptions. None of the prohibitions herein shall apply to or be enforced against; any police or fire vehicle of the City or ambulance while engaged upon necessary public emergency business; necessary excavations or repairs of bridges, streets, or highways on behalf of the city, county or state during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day; the reasonable use of stationary amplifiers or loud speakers in the course of public addresses which are non-commercial in character.

9.8. Abandoned Iceboxes, Refrigerators, etc. Any person who knowingly leaves, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container of a kind and size sufficient to permit the entrapment and suffocation of a child therein, without first removing the snap lock or other locking device from the lid or cover thereof, is guilty of a misdemeanor.

(Rev. 03-20-1967)

9.9 Radio and Television Interference.

- (1) No person shall maintain or operate any equipment, device, appliance, or apparatus in the city which generates or causes high frequency oscillations which interfere with radio or television transmitting or reception; except, that x-ray pictures, examinations, or treatments and diathermy treatments may be made if the machine or apparatus therefor is equipped to avoid all unnecessary

interference and is not negligently operated.

- (2) The City Engineer may designate a radio inspector, to investigate complaints of interference with radio and television transmitting, and reception and he is hereby given authority upon presenting his evidence of authority, to have a right of access to any premises at any reasonable hour for the purpose of inspecting any equipment, device, appliance, or apparatus coming within the terms of this Chapter to determine if such equipment, device, appliance, and apparatus complies with the terms of this Chapter, and no person shall interfere with said radio inspector in making such inspection or refuse to allow the radio inspector to enter upon the premises for such purpose.
- (3) Whenever an inspection and test shall have been made by the radio inspector, and it is found that such equipment device, appliance, or apparatus is being operated in violation of this section, the person responsible for such operation shall be notified in writing to discontinue the use of such equipment, device, appliance or apparatus or to make additions, repairs, or modifications thereof, in order that the same may be operated in a manner which complies with the provisions of this Chapter. Such notice may be given personally to said person or by certified mail, addressed to said person. In the event that said person within 48 hours after receipt of such notice fails to repair the same so that it complies with the Chapter, such person shall be deemed to be operating the same in violation thereof.
- (4) The operation of any machine, mechanical device, electrical device or thing that interferes with, or causes static in the operation of the police radio system is hereby declared to be a public nuisance; the operator of said machine or device shall immediately discontinue the use of said 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.
- (5) No provision of this Chapter shall be construed as regulating any equipment, device, appliance or apparatus used in interstate commerce where the same is licensed or regulated by or under any act of Congress of the United States.

LITTERING

- 9.13 Deposit of Unwholesome Substances. No person shall, within the limits of the City, by himself or by another, throw, place, deposit or leave in the street, lane, alley, public place or private lands, any animal or vegetable substance, dead animals, fish, shavings, dirt, rubbish, excrement, filth, unclean or nauseous water or liquor, hay, straw, soot, offal, garbage, swill, or any other article or substance whatever which may cause any offensive, unwholesome, or nauseous smell, or endanger the health of the public.
- 9.15 Paper, Rubbish. No person shall throw or place, or through insecure fastening, or otherwise, cause or suffer to be placed or thrown or to fall in or upon any public street, alley, sidewalk, or other public thoroughfare or any public park or private property of the City, any loose paper or other rubbish of any nature.

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(Rev. 03-26-1979)

- 9.16 Injurious Substances. No person shall by himself or by another, throw, place, deposit or leave in any street, highway, lane, alley, public place or square, or in any private place or premises, any glass, broken or unbroken, or any metal, stone, earthenware, tacks, cinders or other substances of a nature likely to cause injury to travelers or pedestrians, automobiles, bicycles, or vehicles, or to injure any horse or other animal or which might injure, cut or puncture any pneumatic tire.

ABATEMENT

- 9.19. Abating Nuisances. In the event any officer of the City shall determine that there exists a nuisance within the meaning of this Chapter and Code, such officer shall cause a notice to be served on the owner or occupant of the premises on which said nuisance exists, requiring such person to abate said nuisance within the time specified in the notice. Service of the notice shall be made in accordance with Chapter 1 of this Code. In the event such person fails to abate said nuisance in accordance with the notice, the City shall do so and the cost thereof shall be charged against the owner or occupant of premises any payment thereof shall be enforced as a special assessment as provided in the Charter.

(Rev. 03-26-1979)

15. It is the purpose of this Section to prevent the disruption and interference with the telephone communication system of the City of Troy Police and Fire Department by allowing alarm systems which, when activated, connect with the communication facility of the City of Troy Police and Fire Department by means of the Department's telephone system.
- A. No person engaged in the business of providing such services and facilities 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 or by other automatic means initiate the intra-state calling, dialing or connection to any telephone number assigned to any subscriber by a public telephone company, without the prior written consent of such subscriber.
- B. The term "telephone number" includes any additional numbers assigned by a public utility company engaged in the business of providing communications services and facilities to be used by means of a rotary or other system to connect with the subscriber to such primary number when the primary telephone number is in use.

(Rev. 04-12-1971)

FALSE SECURITY OR MEDICAL ALARM ORDINANCE

I. **PURPOSE**

The purpose of this ordinance is to provide a permit and registration system with appropriate regulations to facilitate the reduction of false alarms, render police response and administration, and to advance the disciplined use of alarm systems by the alarm user.

II. **DEFINITIONS**

- A. "Alarm User" is defined as the owner, occupant, or person in control of premises where a security or medical alarm is maintained within the City.
- B. "Alarm Provider" is any person, as defined in Chapter 1 Section 1.8(1), whose business, purpose, or function is to install, service, or monitor security or medical alarms.
- C. "Alarm System" is defined as a device or assembly of equipment and devices arranged to signal the presence of a condition such as (1) a hold-up, (2) a burglary, home or business invasion, or (3) a medical emergency which is intended to summons an emergency police response and/or emergency medical service. An Alarm System connected to equipment that alerts an alarm system at a premise is included within this definition. In this section, the term "Alarm System" shall include but is not limited to the following: "automatic holdup alarm system", "burglar alarm system", "intrusion alarm system", "holdup alarm system", "panic alarm system", and "personal emergency response system". Excluded from this definition and regulation from this Section are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located, of an attempted, unauthorized intrusion or holdup attempt. If such a system, however, employs an audible signal emitting sounds or flashing lights or beacon designed to signal persons outside of the premises, such a system shall be within the definition of "Alarm System" and shall be regulated by this section.
- D. "False Alarm" shall be defined as any alarm condition which is reported to the Police Department, not resulting from criminal activity, attempted criminal activity, and/or a verified medical emergency for which the alarm was intended.

(Article 16, 09-29-1997)

III **PERMIT REQUIRED**

- A. It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm system or to be in control of a premises wherein an alarm system is operated or maintained without having first obtained a permit as provided in this chapter.

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- B. It is unlawful for any person, firm, partnership, corporation or other legal entity to use, own or lease an alarm system or to be in control of a premises wherein an alarm system is operated or maintained when a permit has been revoked.
- C. A permit must be obtained for each separately addressed operating location.
- D. All permits issued are valid for one year.
- E. Permit Application:
 - 1. Each applicant for a permit to install or maintain an alarm system shall file a written application with the City Police Department containing:
 - a. The full legal name, address, and telephone number of the applicant.
 - b. The name, address and telephone number of the premises where the alarm system is located.
 - c. The type of alarm system at the protected premises.
 - d. A list of three persons, including their addresses and telephone numbers, who can be contacted and will respond to the premises in the event of an emergency or to reset or deactivate the alarm system, or who could contact the alarm user if the alarm user is not at the protected premises.
 - e. The name(s), address, telephone number, and state license number of the person or company that installed the alarm system.
 - f. The name, address and telephone number of the person or company that is responsible for the maintenance and repair of the alarm system, if applicable.
 - g. The name, phone number and address of the monitoring station.
 - 2. Incomplete applications shall be returned to the applicant. A permit will not be issued until the completed application is received and approval for the permit has been granted by the Police Department.
 - 3. An application for an alarm user permit shall be denied if:
 - a. The applicant has failed to pay false alarm fees required by this ordinance for a different protected premises under the applicant's ownership or control.
 - b. The applicant has failed to comply with any provisions of this ordinance or other ordinances of the City.
 - 4. The City's Police Department shall be responsible for processing and issuing alarm user permits.

IV ALARM PERMIT REGISTRATION

- A. Within 14 days of installation of an alarm system, the alarm user shall obtain a permit and register their alarm with the City of Troy Police Department.
- B. The alarm user shall pay an annual permit renewal registration fee of ten dollars (\$10.00) for each type of alarm control panel in use.
 - 1. Burglary
 - 2. Holdup
 - 3. Medical Emergency
 - 4. Panic/Distress
 - 5. Fire
- C. All alarm providers shall advise all alarm users with whom they do business that the alarm user must obtain an alarm permit and register their alarm with the Troy Police Department.
- D. By January 30th of each year, all alarm users shall renew their alarm user permit and registration with the Troy Police Department.
- E. If the first registration is within six months of the annual renewal date the fee shall apply to the present year as well as the next year.

V ALARM PROVIDER REGISTRATION AND LICENSING

- A. The alarm provider company contracted to install and/or maintain an alarm must possess a State license and be registered with the City of Troy as an alarm system contractor. The state licensing requirements do not apply to alarms installed by the owner or occupant of the residence in his residence. Alarm providers who have an inordinate number of system revocations may have their company removed from the City of Troy alarm installer registration role.

VI ALARM SHUT-OFF DEVICES

- A. Alarm Systems equipped with audible signals, e.g. bells, horns, sirens, shall be fitted with a shut-off device that automatically silences the audible signal within ten minutes of activation.
- B. Alarm Systems equipped with audible signals that are not fitted with a shut-off device shall be subject to deactivation by representatives of the Police Department. The Alarm User shall be subject to a \$100 shut-off fee, in addition to any false alarm fees, which may be associated with the summons of an emergency police or medical response.

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VII ALARM INSTALLATION

- A. Upon completion of an alarm installation, the Alarm Provider shall thoroughly instruct the Alarm User in the proper operation, testing, and maintenance of the system.
- B. Use only dual action holdup devices and eliminate using "1 +" duress keypad coding and money clips.
- C. Implement procedures to prevent or cancel exit/entry false alarms. (Extend delay times, enable delays before dialing, enable panel cancel code, etc.)
- D. Alarm systems shall contain a battery back up system in case of a power surge, loss of power due to storms or cut wires.
- E. Alarm users and alarm providers shall assign access codes to premise users that are unique to the individual such as driver's license or social security numbers.
- F. In commercial alarm application, the alarm user shall locate a phone designated for alarm verification adjacent to the alarm code access panel.

VIII ALARM REPORTING

- A. Alarm Providers shall attempt to verify alarm signal, except a duress, hold up or medical emergency alarm.
- B. When reporting alarms to the Police, Fire, Emergency Medical Dispatch Center, the Alarm Providers shall indicate if verification was made.
- C. The Alarm Provider shall notify the Dispatch Center of all verified alarm cancellations. No false alarm fees shall be attached to cancelled calls.

IX FALSE ALARM PROHIBITED

Any person who knowingly or willfully initiates a false alarm shall be guilty of a misdemeanor.

X ALARM ACTIVATIONS AT A PREMISES WHERE AN ALARM USER PERMIT HAS NOT BEEN ISSUED

Any Alarm User who does not have a valid registered alarm or who has not obtained a permit will be assessed a fine in the amount of \$100 for each notice to the Police Department of an alarm activation at the protected premises.

XI REPORTING FALSE ALARMS - FINES AND PENALTIES

- A. The City of Troy Police Department Dispatch Center shall provide an answering point for the reporting of alarm signals requesting police, fire and emergency medical response.
- B. Any Alarm User whose Alarm System initiates more than two (2) false alarms in a calendar year shall be required to pay to the City a sum of one hundred dollars (\$100.00) each for the next four false alarms (3 to 6); two hundred dollars (\$200.00) each for the next four false alarms (7 to 10); and five hundred dollars (\$500.00) for each subsequent false alarm thereafter (greater than 10) through the remainder of the calendar year. No fine shall be assessed for an alarm which was activated by criminal activity, attempted criminal activity, or a verified medical emergency for which the alarm was intended.
- C. All fines must be paid to the City within thirty (30) days from the date of invoice requesting payment of fine(s).

XII FALSE ALARM FINE(S) APPEAL PROCESS

- A. The Police Department shall notify the Alarm User, in writing, of each instance wherein the Police Department has recorded a false alarm. The Alarm User shall have the opportunity within fourteen (14) days from the date of mailing or personal delivery to submit a report for the purpose of showing cause as to whether circumstances exist to warrant voiding the false alarm recordation. The Police Department shall review the Alarm User's report and/or meet with the Alarm User and issue a written finding to the Alarm User as to whether or not the false alarm record will be voided.
- B. Documentation provided to the Police Department of maintenance or repair to the Alarm System after the occurrence of a false alarm may be considered in determining whether or not to assess the false alarm fee. No more than two false alarms per calendar year shall be waived due to malfunction, maintenance, equipment failure, or user error.
- C. Severe weather, power outages, transmission line malfunctions, malicious acts of person(s) not under the control of the Alarm User, or any other cause clearly beyond the control of the Alarm User may be considered in determining whether or not punitive action will be taken against the Alarm User as provided for in this ordinance.

16. NO LIABILITY OF CITY

The City assumes no liability for any defects in the operation of any security or fire alarm system, for any failure or neglect of any person associated with the installation, operation or maintenance of any alarm system, for any failure or neglect of any alarm user, for the transmission or receipt of alarm signals or any failure or neglect to respond

upon receipt of an alarm from any source. In the event that the City finds it necessary to revoke an Alarm User Permit or to otherwise provide for the disconnection of any alarm system, the City shall have no liability for such action. No special duty other than that owed to the general public shall be created by virtue of this ordinance or by virtue of the issuance of an alarm system permit.

(Article 16, 09-29-1997)

FALSE FIRE ALARM ORDINANCE

I. PURPOSE AND INTENT

The purpose of this ordinance is to regulate and permit alarm systems to which the fire department is expected to respond. The intent is to facilitate the reduction of false fire alarm activations.

II. DEFINITIONS

- A. "Fire Alarm User" is defined as an owner, occupant, person, firm, partnership, corporation, association, organization, company, or other entity in control of a premise where a fire alarm system is present within the City.
- B. "Fire Alarm Provider" is any person or entity whose business, purpose, or function is to install, service, or monitor fire alarms. A Fire Alarm Provider must be qualified based on NICET certification and/or the State of Michigan Fire Alarm Contractors Licensing Act.
- C. "Fire Alarm System" is defined as a device or assembly of equipment and devices that detects and annunciates the presence of smoke or fire and, which upon activation, warns the occupants of the premises that a fire emergency exists or summons the fire department to respond. In this chapter the term "Fire Alarm System" shall include but is not limited to the following: "Fire Protective Signaling System", "Automatic Fire Detection System", "Automatic Sprinkler System", "Manual Fire Alarm System", "Waterflow Alarm", "Smoke Alarm", and "Emergency Alarm." "Emergency Alarm" is further defined as any device or assembly of equipment and devices which upon activation warns the occupants of the premises that a chemical or hazardous material emergency exists or summons the fire department to respond.
- D. "False Fire Alarm" shall be defined as any alarm condition which is reported to the Fire Department, not resulting from a condition for which the alarm was intended.
- E. "False Alarm Notification" shall be defined as a written notification to the Fire Alarm User of the occurrence of a False Fire Alarm.

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III. ALARM INSTALLATION

- A. Any installation of a Fire Alarm System shall be reviewed and permitted by the Troy Fire Department with applicable permit and inspection fees prior to installation as described in Chapter 93.
- B. Fire Alarm Systems installed in single family residential occupancies are not required to be reviewed and permitted by the Troy Fire Department.
- C. Upon completion of a fire alarm installation, the Fire Alarm Provider shall thoroughly instruct the Fire Alarm User in the proper operation, testing, and maintenance of the system.
- D. A Fire Alarm System that emits an audible signal intended to be heard by person(s) outside the protected premise shall be equipped with a device capable of terminating the audible signal.

IV. ALARM PROVIDER REGISTRATION AND LICENSING

The Fire Alarm Provider contracted to install and/or maintain an alarm must possess a State license and be registered as described in Chapter 79 Article 2700.

V. ALARM REGISTRATION

- A. A Fire Alarm System shall be registered with the Troy Fire Department within fourteen (14) days of being connected to a central station monitoring agency or audible signal.
- B. All Fire Alarm Users in the City shall file with the Troy Fire Department a written alarm registration. This registration shall contain information as described in the permit application process of the Security or Medical Alarm Ordinance.
- C. All Fire Alarm Providers shall advise all Fire Alarm Users with whom they conduct business that a written registration must be filed with the Troy Fire Department and any associated information completed as required.
- D. Separate registration information need not be completed if a current security or medical alarm permit has been filed with the Troy Police Department.
- E. It shall be unlawful to maintain and operate a Fire Alarm System without having first registered the system as provided in this chapter.
- F. The Fire Alarm User shall pay an annual registration fee of ten dollars (\$10.00) for each Fire Alarm System/control panel at each separately addressed operating location.

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- G. Registrations shall be updated annually with the Troy Fire Department or upon change of information. This shall be done by January 30th of each year.
- H. If the first registration is within six months of the annual renewal date, the fee shall apply to the current year as well as the next year.

VI. ALARM REPORTING

- A. The Alarm Provider shall notify the Troy Fire Department, through the appropriate means, of all fire alarm activations unless prior notification has been made for testing, maintenance, etc., or unless notified of a false activation.
- B. The alarm provider shall notify the Troy Fire Department, through the appropriate means, of all verified alarm cancellations.

V. FALSE FIRE ALARM PROHIBITED - FEE AND PENALTY

- A. Any person who knowingly or willfully initiates a False Fire Alarm shall be guilty of a misdemeanor.
- B. Any Fire Alarm User whose Fire Alarm System initiates more than two (2) False Fire Alarms in a calendar year shall be required to pay to the City a sum of one hundred dollars (\$100.00) each for the next four False Fire Alarms (3 through 6); two hundred dollars (\$200.00) each for the next four False Fire Alarms (7 through 10); and five hundred dollars (\$500.00) for each subsequent False Fire Alarm thereafter (greater than 10) through the remainder of the calendar year. A Fire Alarm User shall be sent a False Alarm Notification after the occurrence of each False Fire Alarm.
 - 1. Upon notification of the first and any subsequent False Fire Alarm, the Fire Alarm User shall be required to have the Fire Alarm System inspected and serviced by a Fire Alarm Provider when it is determined that the False Fire Alarm was caused due to a malfunction with the system, lack of maintenance or when a determination as to the reason for activation cannot be made. Documentation of service shall be provided to the Troy Fire Department within fourteen (14) days of said inspection.
 - 2. Within fourteen (14) days of the False Fire Alarm Notification date, the Fire Alarm User shall return the completed False Alarm Notification form to the Troy Fire Department.
 - 3. Failure by the Fire Alarm User to return the form shall be justification for automatic billing of the False Fire Alarm fee.
- C. All fees must be paid to the City within thirty (30) days from the date of invoice requesting payment of fee(s).

- D. Any person including an alarm service person, fire protection contractor, or contractor who, because of work affecting the Fire Alarm System either directly or indirectly, initiates a False Fire Alarm without prior notification having been made to the Troy Fire Department, Troy Communications Center, and the central station monitoring company, shall be subject to a false alarm fee and/or citation. A central station monitoring company who initiates a False Fire Alarm after having been notified of work affecting the Fire Alarm System shall be subject to a false alarm fee and/or citation.
- E. Any willful misrepresentation by a Fire Alarm Provider as to inspection, maintenance, or repair services rendered to a Fire Alarm System shall be considered a misdemeanor for each incident.

FALSE FIRE ALARM FEE AND PENALTY WAIVER

- A. Documentation provided to the Troy Fire Department of maintenance or repair to the Fire Alarm System after the occurrence of a False Fire Alarm may be considered in determining whether or not to assess the False Fire Alarm fee.
- B. Severe weather, power outages, transmission line malfunctions, malicious acts of person(s) not under the control of the Fire Alarm User, or any other cause clearly beyond the control of the Fire Alarm User will be considered in determining whether or not punitive action will be taken against the Fire Alarm User as provided for in this ordinance.

(Article 17, 09-29-1997)

- 22. Aircraft. The term "aircraft" shall include any and all contrivances now or hereafter used for navigation or flight in the air or space, including but not limited to airplanes, airships, balloons, hovercraft, dirigibles, helicopters, gliders, amphibians and seaplanes. This definition shall include any type of tethered contrivance.

It shall be unlawful for any individual to use or attempt to use any property, building, land or water for landing or taking-off of aircraft other than property duly licensed and approved as an airport or heliport.

Exceptions:

- 1. Emergency transportation of medical patients and personnel or supplies.
- 2. Building construction sites when use is for lifts in construction, providing further that a valid applicable permit has been issued for the work and prior notice to and approval obtained from the City of Troy, Building Department.
- 3. Aircraft being operated by or under the direction of a Police, Fire or Military officer for public safety related purposes. It shall be unlawful for any individual to hover or attempt to hover an aircraft over property, building, land or water except in the approach surface of an airport or heliport, as defined in Chapter 39, Section

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41.12.01 of the Troy City Code. To "hover" shall mean the suspension of an aircraft closer to any property, building, land or water than one hundred (100) feet.

(Rev. 10-07-96)

23. Mini-bikes

- A. Statement of Purpose. By the adoption of this section the City Council finds and determines that the uncontrolled operation of motorcycles, as defined herein, has become a public nuisance with the City of Troy due to loud and raucous noises, noxious odors, excessive dust, dangerous to the health and safety of person within the City of Troy and to property located therein and the use of such vehicles on private property without the consent of the owners thereof, and on public property without the consent of the public bodies having jurisdiction. The City Council further finds that this section controlling the use of such vehicles is necessary to prevent nuisance conditions detrimental to the safety, health, and general welfare of the public.

(Rev. 07-30-1973)

B. Definitions.

1. The word "motorcycle" as used in this Chapter means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground. In addition, this term shall mean every vehicle not entitled to be licensed for travel upon the public highways of the State of Michigan which is designed primarily for recreational purposes, including but not limited to all-terrain vehicles, go-karts, trail bikes, mini-bikes, or drag-bikes. The term shall not include tractors, motor powered lawn mowers, special mobile equipment as defined in the Michigan Vehicle Code, or similar vehicles.
2. All definitions which appear in the Michigan Vehicle Code shall be applicable to such terms when used in this Chapter.

(Rev. 03-26-1979)

C. Regulations Governing the Use of Motorcycles.

1. No motorcycles shall be operated upon the streets and highways of the City or other areas open to public motor vehicle travel except in accordance with the Uniform Traffic Code, Chapter 105 of the Troy City Code, and the Michigan Vehicle Code.

(Rev. 03-26-1979)

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2. No motorcycles shall be operated in any area open to the public for the parking of motor vehicles except for the sole purpose of normal ingress and egress into such parking facilities.

(Rev. 07-30-1973)

3. No motorcycles shall be operated upon property owned by the City, by a public school district, by a community college or by a library, other than areas designated for the parking of motor vehicles, except in accordance with the rules and regulations established for such property by the public body having jurisdiction.

(Rev. 03-26-1979)

4. No motorcycles shall be operated upon any private property not open to the public for the operation of motor vehicles except the owner thereof, members of his immediate family, and persons lawfully residing upon said premises without the express written permission of the owner. The written permission shall identify the property for which permission is granted, and his address, the owner of said property and the duration of said permission. The written permit shall be carried upon the person of the permittee and shall be displayed to any law enforcement officer of the City of Troy upon request. No such written permission shall be required if the permittee is accompanied by the owner, a member of his immediate family, or a person lawfully residing upon said property nor shall such written permit be required where the operation of the motor vehicle upon the property is solely for normal ingress and egress to and from a residence, a commercial establishment or other occupancy of the property.

(Rev. 07-30-1973)

5. No person shall operate a motorcycle in the City of Troy in such a manner as to create excessive, unusual or unnecessary noise. Every motorcycle so operated shall be equipped with an efficient muffler which will insure noise levels comparable to that of a private passenger automobile. Racing motorcycle engines, or repeated acceleration and deceleration of motorcycle engines except in the course of maintenance of such engines is hereby deemed to be excessive, unusual and unnecessary noise. Abrupt or violent acceleration of a motorcycle, including acceleration which causes the front wheel of the motorcycle to lose contact with the ground, shall be deemed to create excessive, unusual, or unnecessary noise.

(07-30-1973)

6. No person shall operate a motorcycle on public or private property while under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol or when, due to consumption of intoxicating liquor,

narcotic drugs, barbitol or any derivative of barbitol he has visibly impaired his ability to operate the vehicle or in willful or wanton disregard for the safety of persons, including himself, or property, or in a careless or negligent manner likely to endanger any person or property, in a speed or acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise over a measured or unmeasured distance, or in a drag race as defined in the Michigan Vehicle Code.

D. Penalties.

1. Violation of this Chapter is declared to be a nuisance and may be abated by a law enforcement officer of the City by impoundment of the motorcycle involved by removal to the motor vehicle pound of the City to be returned as hereinafter provided.

(03-26-1979)

2. Before the owner or persons in charge of such motor vehicles shall be permitted to remove the same from the motor vehicle pound he shall furnish evidence of his identity and owner-ship, he shall sign a receipt, and he shall pay a fee of Ten (\$10.00) Dollars to cover the cost of removal, if any, plus the cost of storage.

3. Violation of this Chapter is hereby declared to be a misdemeanor and any person or persons found guilty thereof shall be subject to a fine of not to exceed Five Hundred (\$500.00) dollars and/or imprisonment for not more than ninety (90) days for each such offense.

(Rev. 03-26-1979)

24. Municipal Civil Infractions

A violation of sections 9.1, 9.2, 9.3, 9.5, 9.9, 9.13, 9.14, 9.15, 9.17, 9.18, 9.20, and 15 of this Chapter is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of said sections shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

(03-01-2006)

(Chapter 88 Amended: 10-05-2009; Effective: 01-01-2010)