

AGENDA
COMMITTEE OF THE WHOLE MEETING OF THE CARO CITY COUNCIL
APRIL 10, 2025, 5:30 P.M.
317 S STATE ST – COUNCIL CHAMBERS

CALL TO ORDER

PUBLIC COMMENTS/VISITORS:

BUSINESS ITEMS:

1. Blight/Code Enforcement Discussion

ADJOURN

Items to be discussed

1. Animals

Chickens, Cows, Ducks, Geese, Horses, Alligators

2. Non-plated trailers

3. Tarping items

4. Vehicles

Present ordinance 30-days, request 10-15 days

5. Structure issues

Example Burnside St. Church, S. Colling Rd. house

6. Level of tickets before action is taken

Current, no amount pre-set

Request:

Max ticket level of \$1850.00

This includes 1st. notice 10-days

2nd. notice immediate

1st. offence \$100.00

2nd. offence \$250.00

3rd. offence \$500.00

4th. offence \$500.00

5th. offence \$500.00

One week intervals

This would be approximately six weeks allowed

After the 5th. Offence the Manager should write a letter explaining the situation and the next steps that will be taken.

Meet with the Manager & Code Enforcement Officer

Attorney letter and legal action announced

DPW to remove the items

Added charges to the tickets will be attorney fees, DPW wages, and any extra cost for disposal.

Chapter 4 - ANIMALS

Footnotes:

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State Law reference— Authority to adopt animal control ordinances, MCL 287.290; regulation of dangerous animals, MCL 287.321 et seq.; livestock running at large prohibited, MCL 433.11 et seq.; crimes relating to animals and birds, MCL 750.49 et seq.; wildlife conservation, MCL 324.40101 et seq.

ARTICLE I. - IN GENERAL

Sec. 4-1. - Keeping swine prohibited.

- (a) No person shall keep any live swine, in pens or otherwise, in the city.
- (b) A person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 1-12(2). Repeat offenses under this section shall be subject to increased fines as set forth in section 1-12(2).

(Code 2000, § 6-1)

Secs. 4-2—4-20. - Reserved.

ARTICLE II. - DOGS

Footnotes:

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State Law reference— Dog law, MCL 287.261 et seq.

Sec. 4-21. - Municipal civil infraction.

A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 1-12(2). Repeat offenses under this article shall be subject to increased fines as set forth in section 1-12(2).

(Code 2000, § 6-36)

Sec. 4-22. - Assumption of ownership.

Every person in possession of any dog who shall suffer such dog to remain on or about his premises for a period of five days shall be deemed the owner of the dog.

(Code 2000, § 6-37; Ord. No. 109, § II, 9-12-1966)

Sec. 4-23. - License tag required.

It shall be a violation for any person to keep, possess, harbor or have the care or charge of any dog of the age of four months or over within the city unless such dog shall wear a collar or harness to which is attached the license tags as required by state law. This section shall not apply to any person transporting a dog through the city.

(Code 2000, § 6-38; Ord. No. 109, § I, 9-12-1966)

State Law reference— Unlawful to own any unlicensed dog six months old or over, MCL 287.262; license tag to be kept on dog, exception, MCL 287.262, 287.267; owners required to license any dog which becomes four months old after March 1 of each year, MCL 287.268.

Sec. 4-24. - Housing.

All dogs kept or housed within the city shall be kept and housed in a clean and sanitary manner, free from all rodents, vermin and flies. All manure, refuse or other litter resulting from their keeping or housing shall be disposed of daily in such a manner as to prevent any nuisance or any unsanitary, odorous or offensive condition.

(Code 2000, § 6-39; Ord. No. 109, § IV, 9-12-1966)

Sec. 4-25. - Running at large prohibited.

- (a) It shall be a violation for any person owning, possessing or having in charge any dog known to be a dangerous animal as provided in MCL 287.321 et seq. to permit or allow the dog, whether licensed or unlicensed, to be at large at any time in the city.
- (b) It shall be a violation for any person to permit or allow any dog in his charge or keeping, whether licensed or unlicensed, to run at large or stray beyond the premises of such owner unless the dog is under reasonable control of some person or is engaged in lawful hunting accompanied by its owner or custodian.
- (c) Every dog shall at all times between sunset of each day and sunrise of the following day be confined upon the premises of its owner or custodian, except when the dog is under the reasonable control of its owner or custodian.

(Code 2000, § 6-40; Ord. No. 109, § III, 9-12-1966)

State Law reference— Running at large prohibited, MCL 287.262.

Sec. 4-26. - Noise.

No person shall harbor or keep any dog which by loud or frequent or habitual barking, yelping or howling shall disturb or annoy the residents in the neighborhood or people passing on the streets or walks.

(Code 2000, § 6-41; Ord. No. 109, § VI, 9-12-1966)

Cross reference— Noise generally, § 26-136 et seq.

Sec. 4-27. - Pursuing, annoying motorists, cyclists or pedestrians.

No person shall harbor or keep any dog which shall pursue or annoy any motorist, cyclist or pedestrian on the streets or sidewalks.

(Code 2000, § 6-42; Ord. No. 109, § VI, 9-12-1966)

Cross reference— Traffic and vehicles, ch. 70.

Sec. 4-28. - Female dogs in heat.

It shall be a violation for the owner or custodian of any female dog to permit or allow such dog to be beyond the premises of such owner or custodian when she is in heat.

(Code 2000, § 6-43; Ord. No. 109, § V, 9-12-1966)

State Law reference— Similar provisions, MCL 287.262.

Sec. 4-29. - Rabid dogs.

- (a) No person shall own or harbor a dangerous dog as provided in MCL 287.321 et seq., or a dog that has been bitten by any animal known to have been afflicted by rabies.
- (b) Any person who shall have in his possession a dog which has contracted, been exposed to or is suspected of having rabies, or which has bitten any person, shall upon demand surrender such dog to the police department, to be held for observation. It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by another dog or bitten by another animal having or showing symptoms of rabies to immediately notify the police department, and no person shall destroy or dispose of the dog without the permission of the police department.
- (c) Whenever a dog is impounded for having bitten a person, the police department shall hold such dog for observation and examination by a veterinarian of good standing and may, if deemed necessary and advisable after having held the dog for a sufficient length of time to meet the requirements of state law, cause such dog to be destroyed as a vicious dog.

(Code 2000, § 6-44; Ord. No. 109, § VI, 9-12-1966)

State Law reference— Rules for control of rabies and the disposition of nonhuman agents carrying disease, including rabid animals, MCL 333.5111.

Sec. 44-512. - Recreational vehicles and trailers.

- (a) The term "recreational vehicle" means vehicles, whether or not motorized, used primarily for recreational purposes including motor homes, campers, trailers, jet skis, boats, snowmobiles, buses and trailers used to transport the same or similar vehicles.
- (b) The term "trailer" means any wheeled vehicle, with or without motor power, that may be drawn over the roadway by a motor vehicle, including camping trailers, utility trailers and boat trailers.
- (c) The term "bus" means any motor vehicle designed for carrying more than 15 passengers including the driver and used for the transportation of persons.
- (d) Recreational vehicle, trailer or bus parked in an RA-1 or RA-2 district shall be parked off of public streets in the following locations:
 - (1) Inside an accessory building;
 - (2) On gravel or other all-weather surface; or
 - (3) In the front yard on a driveway. Front yard means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building,
- (e) Recreational vehicle, trailer or bus parked on public streets in RA-1 or RA-2 districts shall be issued a written warning by officers of the Caro Police Department. If the recreational vehicle is not moved off of the public street within 48 hours after the said written warning, then said recreational vehicle shall be towed. The owner shall be responsible for payment for the towing and storage of the recreational vehicle trailer or bus. If the recreational vehicle, trailer or bus is moved prior to the expiration of said 48 hour written warning and is later parked on the public street again, then the initial warning shall still be in effect and the recreational vehicle, trailer or bus shall still be towed. The warning is valid for one year after the date of the initial warning. In addition to being responsible for the costs associated with towing and storage, the owner shall also be responsible for a \$100.00 fine to be paid to the city within 14 days if the recreational vehicle, trailer or bus is not removed within the said 48 hour period. Each additional violation within one year of the date of the initial warning will result in an increasing fine of multiples of \$100.00 equal to the number of violations (\$200.00 for the second violation, \$300.00 for the third violation, etc.) Failure to pay said fine within said 14 days will be deemed to be a violation and subject the owner to penalties as set forth in section 44-654.
- (f) Recreational vehicles, trailers or buses shall not be used as living quarters for a period exceeding 14 days within any 90 day period.
- (g) On each lot or contiguous lot(s) there shall be not more than a total of three recreational vehicles, trailers or buses in any combination thereof.

DIVISION 3. - LITTER

Footnotes:

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State Law reference— *Littering, MCL 324.8901 et seq.*

Sec. 14-62. - Municipal civil infraction.

A person who violates any provision of this division is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 1-12(2). Repeat offenses under this division shall be subject to increased fines as set forth in section 1-12(2).

(Code 2000, § 26-111)

Sec. 14-63. - Scattering of refuse.

No person shall cast, place, sweep or deposit any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or onto any occupied premises within the city.

(Code 2000, § 54-1; Ord. No. 187, § 5(3)(a-2), 12-4-1978)

Sec. 14-64. - Dumping garbage on property of another.

No person shall dump, deposit or place any filth, garbage or refuse on the grounds or premises of another without the specific permission of the owner.

(Code 2000, § 54-2; Ord. No. 199, § 1, 7-17-1979)

Sec. 14-65. - Littering prohibited.

The throwing, discarding or depositing of any leaflet, paper or other refuse matter onto any street or other public place, except in a receptacle provided by public authority, is prohibited.

(Code 2000, § 26-112; Ord. No. 46, § 1, 2-27-1956)

Sec. 14-66. - Illegal deposits in bodies of water.

No person shall throw or deposit any refuse in any stream or other body of water.

(Code 2000, § 26-113; Ord. No. 187, § 5(3)(a), 12-4-1978)

DIVISION 2. - BLIGHT PREVENTION

Sec. 14-40. - Purpose.

It is the purpose of this article to prevent, reduce, or eliminate blight in the city by the prevention or elimination of contributing factors and causes of blight which exist or which may exist in the future in the city.

(Ord. No. 361, § 100.1, 2-11-2002; Ord. No. 425, § 1, 4-6-2009)

Sec. 14-41. - Definitions.

The following words or terms, when used herein, shall be deemed to have the meanings set forth below:

Blight structure means any fence, dwelling, garage, accessory or outbuilding, or swimming pool, or any factory, shop, store, office building, warehouse, or any other structure or part of a structure which:

- (1) Because of any cause, natural or otherwise, including, but not limited to, fire, wind, natural disaster, physical deterioration or failure to maintain, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended;
- (2) Is partially completed and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the city;
- (3) Is not structurally sound, weather-tight, waterproof or vermin proof;
- (4) Is not covered by a water-resistant paint or other waterproof building material so as to protect said structure from the adverse effects of the elements or from physical deterioration; or
- (5) Is in deteriorating condition which causes blighting influences on adjoining properties. The term "deteriorating condition" includes, but is not limited to, having broken glass, loose shingles, crumbling stone or brick, excessively peeling paint or other conditions reflective of deterioration or inadequate maintenance or repair.

Building material means any lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws, or other materials commonly used in the construction or repair of any buildings or structures.

Enforcement officer means the city blight officer, zoning administrator and/or city police officer, the city manager or his designee.

Junk means any abandoned, discarded, unusable objects or equipment, any object or equipment unused for its originally intended purpose, including, but not limited to, fences, furniture, stoves, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes,

cartons, crates, signs, perishable items, tires or other similar items.

Junk automobiles means any motor vehicles which are not licensed for use upon the highways in the state for a period in excess of 30 days and shall also include, whether so licensed or not, any motor vehicle which is inoperable for any reason for a period in excess of 30 days.

Unsecured building means any building which is not securely locked, the windows glazed or of which is not securely boarded up and/or protected from the elements, from vandals, and/or from rodents and/or other animals.

(Ord. No. 361, § 100.2, 2-11-2002; Ord. No. 425, § 2, 4-6-2009)

Sec. 14-42. - **Prohibited conduct.**

Except as may otherwise be permitted by the holding of a specific business license or by other ordinances of the city or state or federal law, or as exempted by subsection (8) of this section, no person in the city shall:

- (1) Store, accumulate, or permit the storage or accumulation of junk on premises owned, leased, or occupied by him, unless such junk is stored or accumulated for purposes of collection and disposal, in which case such junk shall be stored or accumulated in a closed container, if possible, or in a closed structure. If it is impossible to store or accumulate such junk in a closed container or closed structure, such junk shall be covered in a manner sufficient to prevent such materials from causing dust and debris to be blown about or spread to other areas. Junk may be stored or accumulated in such manner only for the minimum period necessary to provide for collection and disposal of same.
- (2) Store, accumulate or permit the storage or accumulation of any building materials on property owned, leased, rented or occupied by him for any period longer than reasonably necessary for the immediate use of such materials, but in no event longer than 90 days unless an extension has been granted by the enforcement officer due to a hardship not to exceed 90 days.
- (3) Store or permit the storage upon any property of junk automobiles, machinery, implements and/or equipment except in a completely enclosed building.
- (4) Keep or permit the existence of any unsecured building or property owned, leased, rented, or occupied by him.
- (5) Keep or permit the existence of any blighted structure or property owned, leased, rented or occupied by him.
- (6) Store or permit the storage of firewood on property owned, leased, rented or occupied by him except in a neat, orderly stack to a height not greater than five feet. The storage of firewood shall be restricted to the rear yard or side yard of the premises.

- (7) Placing trash, refuse and/or rubbish at the location for rubbish collection (at street side, curb side, etc.) for refuse collection more than 24 hours before the time and day scheduled for refuse collection and/or leaving refuse containers, trash containers, garbage cans or uncollected refuse at the location for refuse pickup (curb side, street side, etc.) more than 24 hours after trash and refuse have been collected.
- (8) Notwithstanding anything contained herein to the contrary, the prohibited conduct hereinbefore set forth in this division does not apply to any property within the city which now is or hereafter be located in any nonresidential district which is zoned light industrial or general industrial under the city zoning ordinance.

(Ord. No. 361, § 100.3, 2-11-2002; Ord. No. 425, § 3, 4-6-2009; Ord. No. 476, § 1, 5-18-2020)

Sec. 14-43. **Enforcement.**

- (a) Before commencing prosecution as a civil infraction under this division, the enforcement officer shall give notice to the person charged with violating this division.
- (b) The notice referred to in subsection (a) of this section, required when proceeding as a civil infraction, shall be in writing and shall be served upon said person or, at the option of the enforcement officer, by posting a copy of said notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address. The notice shall specify the failure to remedy the violation within ten days of the date of personal service or ten days from the date of mailing shall result in the issuance of a municipal civil infraction citation.
- (c) Notwithstanding anything contained herein to the contrary, no prior notice is necessary in the event the violation is a third or subsequent repeat offense within any 24-month period of time, in which case the matter shall proceed as a misdemeanor violation with punishment as hereinafter set forth. It is not a requirement that the notice provided for in subsections (a) and (b) of this section result in a civil infraction violation but rather the service of the notice as provided for in subsections (a) and (b) of this section is the condition precedent to proceeding as a misdemeanor, regardless of whether the notice resulted in a civil infraction violation or not.

(Ord. No. 240, § 2, 7-25-1983; Ord. No. 361, § 100.4, 2-11-2002; Ord. No. 425, § 4, 4-6-2009)

Sec. 14-44. **Penalty.**

- (a) Failure to comply with the notice given by the enforcement officer within the time specified shall constitute a municipal civil infraction which shall be processed in accordance and as authorized by chapter 87 of Public Act No. 236 of 1961 (MCL 600.8701 et seq.) and the penalty for which shall

be \$100.00 for the first municipal civil infraction, \$250.00 for the first repeat offense and \$500.00 for the second or subsequent repeat offenses. Each day this division is violated shall be considered as a separate violation.

- (b) In addition to the foregoing fines, the court may assess as costs the damages and expenses incurred by the city in the enforcement of this division as a civil infraction against the violator, including the costs of prosecution. The assessment and collection of these fines and costs shall be in accordance with MCL 600.8701 et seq.
- (c) Notwithstanding anything contained herein to the contrary, the penalty for any person convicted of violating this division as a misdemeanor rather than a civil infraction shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the court. Each day this division is violated shall be considered a separate violation.

(Ord. No. 361, § 100.5, 2-11-2002; Ord. No. 425, § 5, 4-6-2009)

Secs. 14-45—14-61. - Reserved.