

**CODE OF ORDINANCES**

**City of**

**WARREN, MICHIGAN**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 80-720, adopted July 23, 2014.**

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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## SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/Omitted
<b>Supp. No. 60</b>		
80-690	10-26-10	Included
80-691	1-11-11	Included
30-989	12-21-10	Omitted
30-990	2-22-11	Included
30-991	2-22-11	Included
30-992	2-22-11	Omitted
80-692	3- 8-11	Included
<b>Supp. No. 61</b>		
Amd. of	11- 2-10	Included
Res. of	8- 3-10	Included
80-693	8- 9-11	Included
30-993	7-26-11	Omitted
<b>Supp. No. 62</b>		
80-694	11-15-11	Included
30-994	12-13-11	Included
80-695	12-20-11	Included
80-696	1-24-12	Included
80-697	2-14-12	Included
<b>Supp. No. 63</b>		
80-698	3-27-12	Included
80-699	4-24-12	Included
80-700	4-24-12	Included
80-701	6-12-12	Included
80-703	6-26-12	Included
80-704	6-26-12	Included
<b>Supp. No. 64</b>		
80-705	7-10-12	Included
80-706	9-25-12	Included
80-707	9-25-12	Included

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<b>Ord. No.</b>	<b>Date Adopted</b>	<b>Included/Omitted</b>
<b>Supp. No. 65</b>		
80-702	6-26-12	Included
80-708	12-18-12	Included
<b>Supp. No. 66</b>		
80-709	5-14-13	Included
80-710	6-25-13	Included
80-711	7- 9-13	Included
80-712	7-23-13	Included
30-996	2-12-13	Omitted
30-997	4- 9-13	Omitted
30-998	7- 9-13	Included
30-999	7- 9-13	Included
<b>Supp. No. 67</b>		
30-1000	8-27-13	Included
30-1001	8-27-13	Included
30-1002	10-22-13	Included
<b>Supp. No. 68</b>		
80-713	12-17-13	Included
80-714	1-14-14	Included
80-715	1-14-14	Included
80-716	1-14-14	Included
80-717	1-14-14	Included
<b>Supp. No. 69</b>		
80-718	2-26-14	Included
80-719	3-17-14	Included
80-720	7-23-14	Included
30-1004	6-11-14	Included
30-1005	7- 9-14	Included

## Chapter 13

### FIRE PREVENTION AND PROTECTION\*

#### Article I. Fire Prevention Code

- Sec. 13-1. Purpose.
- Sec. 13-2. Application of International Fire Code.
- Sec. 13-3. Definitions.
- Sec. 13-4. Permits required by International Fire Code.
- Sec. 13-5. Modifications.
- Sec. 13-6. Reserved.
- Sec. 13-7. Penalty.
- Sec. 13-8. Reserved.

#### Article II. Amendments to the International Fire Code

##### Division 1. In General

- Sec. 13-9. In general.
- Sec. 13-10. Fixed pipe dry chemical fire extinguishing systems.
- Sec. 13-11. Parking on fire lanes or fire routes prohibited.
- Sec. 13-12. Removal or tampering fire equipment; blocking or obstructing fire hydrant with snow, ice, dirt or litter.
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- Sec. 13-15. Reserved.

##### Division 2. Fireworks and Explosive Devices

- Sec. 13-16. Preamble.
- Sec. 13-17. Definitions.
- Sec. 13-18. Prohibited fireworks.
- Sec. 13-19. Minors.
- Sec. 13-20. Public property.
- Sec. 13-21. General restrictions including holidays.
- Sec. 13-22. Applicability of general ordinances.
- Sec. 13-23. Compliance with the act and securing of applicable zoning approvals required.
- Sec. 13-24. Seizure and removal of fireworks.
- Sec. 13-25. Imminent danger or threat.
- Sec. 13-26. Penalties.
- Sec. 13-27. Seizure and cost recovery.
- Sec. 13-28. Display fireworks.
- Sec. 13-29. Reserved.

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\***Editor's note**—Ord. No. 80-466, adopted Sept. 13, 1994, amended former Arts. I and II of Ch. 13, relative to general provisions and the fire prevention code to read as herein set out. Further, said ordinance redesignated former Art. III as Div. 3 of Art. II and also added a Div. 4 to said article. The provisions of former Arts. I and II derived from Code 1967 §§ 4-301, 4-303—4-305, 4-307, 4-309—4-314, 4-316, 4-317 and 8-218 and 8-219; and Ord. No. 80-322, adopted May 27, 1986; Ord. No. 80-337, adopted May 12, 1987; Ord. No. 80-367, adopted Jan. 10, 1989; Ord. No. 80-390, adopted April 9, 1991.

**Charter references**—Authority to regulate construction of buildings to prevent fires, § 3.1(b)(2)(i); public safety, § 7.16 et seq.

**Cross references**—Buildings and building regulations, Ch. 9; emergency preparedness, Ch. 11; fire safety for mobile homes, § 20-47; fire extinguisher for mobile homes, § 20-68; false alarms, § 22-24; interference with fire emergency alarm systems, § 22-25; kindling fires restricted in parks, § 23-11; public improvements for fire hydrants in subdivisions, § 35-104; fire extinguishers required for parking lots and stations, § 37-597; water connections with street mains for fire prevention, § 41-29.

**State law references**—Fire prevention act, MCL 29.1 et seq.; crimes related to fires, MCL 750.240 et seq.; crimes related to explosives and bombs, MCL 750.200 et seq.; explosives act, MCL 29.41 et seq.

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### Division 3. Recovery of Hazardous Substance Release Costs

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- Sec. 13-31. Definitions.
- Sec. 13-32. Hazardous substance response cost responsibility.
- Sec. 13-33. Hazardous substance response cost billing.
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- Sec. 13-42. Key box contents.
- Sec. 13-43. Compliance.
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- Sec. 13-45. Reserved.
- Sec. 13-46. Penalty.
- Secs. 13-47—13-50. Reserved.

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- Sec. 13-51. Definitions.
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- Sec. 13-68. Effect of payment.
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- Sec. 13-79. Phase 1 environmental inspection.
- Sec. 13-80. Emergency response plan inspection.
- Secs. 13-81—13-89. Reserved.

**ARTICLE I. FIRE PREVENTION CODE**

**Sec. 13-1. Purpose.**

This article entitled the Fire Prevention Code, is adopted in order to establish minimum regulations to govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises. (Ord. No. 80-466, § 1, 9-13-94; Ord. No. 80-590, § 1, 11-12-02)

**Sec. 13-2. Application of International Fire Code.**

(a) *Adoption.* The International Fire Code, adopted by the State of Michigan and incorporated into the Michigan Building Code, as amended and filed with the Secretary of State, together with all appendixes as listed in subsection (b), and any and all amendments set forth in Article II, shall be the applicable minimum regulations governing the safeguarding of life and property from fire and explosion hazards as if fully set forth in this section. All additions, deletions and changes are adopted in Article II of this chapter. The code official as authorized by ordinance shall administer and enforce the International Fire Code and all appendixes to the Code as incorporated, and all additions, deletions and changes as set forth in Article II of this chapter. The Code is available for inspection at the office of the city clerk.

(b) *Appendixes.* All appendixes as attached to the International Fire Code are listed below and adopted as if set forth fully herein:

- Appendix A. Board of Appeals;
- Appendix B. Fire Flow Requirements for Buildings;
- Appendix C. Fire Hydrant Locations and Distribution;
- Appendix D. Fire Apparatus Access Roads;
- Appendix E. Hazard Categories;
- Appendix F. Hazard Ranking;

Appendix G. Cryogenic Fluids - Weight and Volume Equivalents. (Ord. No. 80-466, § 1, 9-13-94; Ord. No. 80-524, § 1, 11-12-97; Ord. No. 80-590, § 1, 11-12-02; Ord. No. 80-663, § 1, 11-27-07; Ord. No. 80-704, § 1, 6-26-12)

**Sec. 13-3. Definitions.**

(a) Wherever the word "municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Warren.

(b) Wherever the term "corporation counsel" is used in the Fire Prevention Code, it shall be held to mean the city attorney.

(c) Wherever the words "chief of the bureau of fire prevention" or "fire marshal" are used in the Fire Prevention Code and in this article, they shall be held to mean the fire marshal.

(d) Wherever the term "fire official" is used in the Fire Prevention Code, it shall also be held to mean "fire inspector." (Ord. No. 80-466, § 1, 9-13-94)

**Sec. 13-4. Permits required by International Fire Code.**

Those provisions contained in section 105 of the International Fire Code as adopted by reference, requiring the issuance of certain permits are hereby repealed except those specifically enumerated in this chapter. This provision repealing all permit issuance requirements pertains only to the actual issuance of the permit and does not in any way repeal or otherwise effect the regulations contained therein or the ability to inspect for compliance with the International Fire Code regulations as adopted and incorporated. (Ord. No. 80-466, § 1, 9-13-94; Ord. No. 80-590, § 1, 11-12-02)

**Sec. 13-5. Modifications.**

When there are practical difficulties in the way of carrying out the strict letter of the Fire Prevention Code, the Fire Prevention Division Chief shall have the authority to modify any of the provisions of the Fire Prevention Code or amendments upon application in writing by the owner or lessee, or his or her duly authorized agent. The

chief shall ensure that the spirit of the code is observed, public safety is secured and substantial justice done. A record of the decision of the chief and a statement as to the reasons for the approval or disapproval shall be kept on file in the fire department and a copy sent to the applicant. (Ord. No. 80-466, § 1, 9-13-94)

**Sec. 13-6. Reserved.**

**Editor’s note**—Ord. No. 80-590, § 1, adopted Nov. 12, 2002, repealed § 13-6, which pertained to fees. See the Code Comparative Table.

**Sec. 13-7. Penalty.**

The violation of any provision of Article I is a misdemeanor which shall upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days, or both, plus costs and other sanctions for each violation. (Ord. No. 80-527, § 11, 1-13-98)

**Sec. 13-8. Reserved.**

**ARTICLE II. AMENDMENTS TO THE INTERNATIONAL FIRE CODE\***

**DIVISION 1. IN GENERAL**

**Sec. 13-9. In general.**

This article contains amendments to and modifications of the provisions of the International Fire Code adopted by reference in section 13-2, further, any provisions of the International Fire Code in conflict with the provisions specifically set forth in this article are hereby repealed. (Ord. No. 80-466, § 2, 9-13-94; Ord. No. 80-590, § 1, 11-12-02)

**Sec. 13-10. Fixed pipe dry chemical fire extinguishing systems.**

Any self service fuel dispensing facility that has installed a fixed pipe dry chemical fire extinguishing system, shall maintain the system in

\***Editor’s note**—Ord. No. 80-590, § 1, adopted Nov. 12, 2002, amended the title of Art. II to read as herein set out. See the Code Comparative Table.

proper working order, unless removed. In the event the fixed pipe dry chemical fire extinguishing system becomes inoperable or is removed, all components to the system shall be entirely removed.

(Ord. No. 80-466, § 2, 9-13-94; Ord. No. 80-590, § 1, 11-12-02)

**Sec. 13-11. Parking on fire lanes or fire routes prohibited.**

It shall be unlawful for the owner of a motor vehicle to park, stand or stop or allow such motor vehicle to be parked, stood or stopped on any portion of a fire lane or fire route, either public or private, where signs have been installed prohibiting the parking, standing or stopping of motor vehicles, except when in compliance with the directions of a police officer or traffic control device.

(Ord. No. 80-466, § 2, 9-13-94)

**Sec. 13-12. Removal or tampering fire equipment; blocking or obstructing fire hydrant with snow, ice, dirt or litter.**

*Section 901.8* of the International Fire Code, as amended, shall be amended as follows:

- (a) It shall be unlawful for any person, firm, corporation or entity to obstruct, remove, tamper with, or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system, or other fire appliance required by code or city ordinance except for the purpose of extinguishing fire, training or testing purposes, recharging or making necessary repairs, or when approved by the fire official.

- (1) *Fire Hydrant. Placing of snow, ice, dirt or litter.*

No person, firm, corporation, or entity shall place, sweep, push, plow, shovel or cause to be placed, swept, pushed, plowed or shoveled, any snow, ice, dirt or leaves of any kind that blocks or obstructs any fire hydrant.

- (b) Whenever a fire appliance is removed as permitted by code or ordinance, it shall be replaced or reinstalled as soon as the

purpose for which it was removed has been accomplished. Defective and unapproved fire appliances or equipment shall be replaced or repaired as directed by the fire official.

- (c) This section shall not apply any actions performed by City employees in the performance of their work.

(Ord. No. 80-718, § 1, 2-26-14)

**Editor's note**—Prior to the reenactment of § 13-12 by Ord. No. 80-718, Ord. No. 80-704, § 2, adopted June 26, 2012, repealed § 13-12 in its entirety. The former § 13-12 pertained to monitoring and derived from Ord. No. 80-466, § 2, adopted Sept. 13, 1994.

**Sec. 13-13. Reserved.**

**Editor's note**—Ord. No. 80-590, § 1, adopted Nov. 12, 2002, repealed § 13-13, which pertained to turnaround required. See the Code Comparative Table.

**Sec. 13-14. Penalty.**

The violation of any provision of Division 1 of Article II is a municipal civil infraction which shall result in the assessment of a fine of not less than one hundred dollars (\$100.00) or not more than one thousand dollars (\$1,000.00) per violation, plus costs and other sanctions for each infraction.

(Ord. No. 80-524, § 2, 11-12-97; Ord. No. 80-527, § 11, 1-13-98)

**Sec. 13-15. Reserved.**



## Chapter 21

### NUISANCES\*

#### Article I. In General

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- Sec. 21-2. Dangerous structures prohibited.
- Sec. 21-3. Deposit of unwholesome substances prohibited.
- Sec. 21-4. Drainage of lots, lands, excavations, cellars, vaults, etc.
- Sec. 21-5. Littering.
- Sec. 21-6. Abating nuisances.
- Sec. 21-7. Declared nuisances; abatement.
- Sec. 21-8. Penalty.
- Secs. 21-9—21-20. Reserved.

#### Article II. Noise

- Sec. 21-21. Generally.
- Sec. 21-22. Horns and signal devices.
- Sec. 21-23. Television, phonograph, musical instruments, etc.
- Sec. 21-24. Excessive noise.
- Sec. 21-25. Hawking.
- Sec. 21-26. Animal and bird noises.
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- Sec. 21-28. Engines and motor vehicles.
- Sec. 21-29. Construction noises.
- Sec. 21-30. Handling merchandise.
- Sec. 21-31. Noise or commotion in vehicles.
- Sec. 21-32. Sound trucks.
- Sec. 21-33. Alarms.
- Sec. 21-34. Exceptions.
- Sec. 21-35. Mobile sound amplification.
- Secs. 21-36, 21-37. Reserved.
- Sec. 21-38. Reserved.
- Secs. 21-39—21-45. Reserved.

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- Sec. 21-46. Definitions.
- Sec. 21-47. Duty of owners and occupants.
- Sec. 21-48. Failure to comply; remedy costs.
- Sec. 21-49. Inspection; city liability.
- Sec. 21-50. Reserved.
- Secs. 21-51—21-65. Reserved.

#### Article IV. Rodent Control

- Sec. 21-66. Definitions.
- Sec. 21-67. Rodent infestation prohibited.
- Sec. 21-68. Inspection.
- Sec. 21-69. Notice.

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\***Charter reference**—Authority for abatement of nuisances, § 3.1(b)(1).

**Cross references**—Garbage and rubbish, Ch. 16; offenses, Ch. 22; peddlers, solicitors and transient merchants, Ch. 24; special assessment procedures for nuisances, § 33-46 et seq.; unsafe, dangerous conditions prohibited on sidewalks, § 34-53; water and sewers, Ch. 41.

**State law references**—Air pollution act, MCL 336.11 et seq.; environmental protection act, MCL 691.1201 et seq.

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- Sec. 21-70. Abatement by owner or occupant.
- Sec. 21-71. Abatement by city.
- Sec. 21-72. Collection of costs.

**Article V. Public Property Smoking Restrictions**

- Sec. 21-73. Purpose.
- Sec. 21-74. Definitions.
- Sec. 21-75. General prohibition.
- Sec. 21-76. Exceptions.
- Sec. 21-77. Signs.
- Sec. 21-78. Debris receptacles.
- Sec. 21-79. Construction.
- Sec. 21-80. Penalties and enforcement.

*Rodent harborage* means any condition which provides shelter or protection for rodents, thus favoring their multiplication and continued existence in, under or outside of a building, structure or vacant land.  
(Code 1967, § 4-114; Ord. No. 80-706, § 1, 9-25-12)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

**Sec. 21-67. Rodent infestation prohibited.**

It shall be unlawful for the owner or occupant to permit a condition of rodent harborage to exist in any building, structure, or on vacant land. The presence of rodent infestation shall constitute evidence of rodent harborage for the purposes of this article.  
(Code 1967, § 4-115; Ord. No. 80-706, § 1, 9-25-12)

**Sec. 21-68. Inspection.**

The department of public service through its officers, inspectors and/or employees is authorized and directed to inspect every rodent-infested building, structure or vacant land reported and make a determination of whether there is a rodent infestation and harborage.  
(Code 1967, § 4-116; Ord. No. 80-706, § 1, 9-25-12)

**Sec. 21-69. Notice.**

If a building, structure or vacant land is found to be a rodent harborage, the owner or occupant shall be notified in writing of this condition by first class mail or by posting upon a conspicuous part of the building, structure or vacant land. The owner shall be advised to take immediate rodent eradication measures within the time specified in the written notice, in no event to be less than ten (10) days.  
(Code 1967, § 4-117; Ord. No. 80-706, § 1, 9-25-12)

**Sec. 21-70. Abatement by owner or occupant.**

Whenever the owner or occupant is notified by the department of public service, the owner or occupant shall immediately institute rodent eradication measures and shall continuously maintain such measures until the premises is rodent free.  
(Code 1967, § 4-118; Ord. No. 80-706, § 1, 9-25-12)

**Sec. 21-71. Abatement by city.**

If, at the expiration of the time limit in the notice under section 21-69, the owner or occupant has not complied with the requirements thereof, the department of public service shall take such steps that are necessary to eradicate the rodents. The cost of such eradication, together with a fifty dollar (\$50.00) administration fee plus twenty-five (25) percent of the actual cost of eradication measures, shall be charged against the premises and shall be a lien against the real property and shall be reported to the city assessor who shall assess the cost against the property on which the building or structure is located.  
(Code 1967, § 4-119; Ord. No. 80-365, § 1, 9-27-88; Ord. No. 80-706, § 1, 9-25-12)

**Sec. 21-72. Collection of costs.**

The owner listed on the last tax assessment records shall be notified of the amount of such costs by first class mail at the address shown on the records. If he or she fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next city tax roll and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the city.  
(Code 1967, § 4-120; Ord. No. 80-706, § 1, 9-25-12)

**ARTICLE V. PUBLIC PROPERTY  
SMOKING RESTRICTIONS**

**Sec. 21-73. Purpose.**

The City of Warren recognizes that secondhand smoke poses a danger to public health and has been associated with chronic disease, birth defects, and even death. The city wishes to protect the public from the dangers of secondhand smoke when they enter buildings, or participate in activities on municipal property. All persons should be able to enjoy city services without concern or risk of inhaling secondhand smoke. Public property should be free from litter, dangers, and lingering odors associated with smoking. This article en-

deavors to provide protection and serve the health, safety, and welfare of the public from the ills associated with smoking.  
(Ord. No. 80-720, § 1, 7-23-14)

**Sec. 21-74. Definitions.**

The terms used in this article, whether capitalized or not, will have the following meanings:

*Entrances* means the doors and/or other areas designed and used for ingress and egress by members of the public including, but not limited to, any entrance accessed through a parking lot structure.

*Public building* means all buildings owned, leased, or managed by the City of Warren including, but not limited to: city administrative buildings, court buildings, maintenance garages, satellite office buildings, libraries, and buildings owned by the Downtown Development Authority (DDA), the Tax Increment Finance Authority (TIFA), and the Warren Building Authority.

*Smoking* means the inhaling, exhaling, burning, or carrying any lighted or heated cigarette, cigar, or pipe/bong; or any other action that produces smoke.  
(Ord. No. 80-720, § 1, 7-23-14)

**Sec. 21-75. General prohibition.**

A person shall not smoke within twenty-five (25) feet of an entrance to a public building, except as noted in section 21-76.  
(Ord. No. 80-720, § 1, 7-23-14)

**Sec. 21-76. Exceptions.**

(a) The following public buildings shall be excluded from the general prohibition:

- (1) Any building managed by Warren Community Housing Authority including, but not limited to, the Joseph Coach and Stillwell Manor apartments.

(b) The Warren Community Housing Authority may enact more restrictive smoking regulations.  
(Ord. No. 80-720, § 1, 7-23-14)

**Sec. 21-77. Signs.**

The city shall post signs that are reasonably calculated to inform all persons of the smoking restrictions in this article. The signs shall include the following language:

- (1) "NO SMOKING WITHIN 25 FEET OF THIS ENTRANCE"; and
- (2) A citation to the ordinance from which this article is derived.

(Ord. No. 80-720, § 1, 7-23-14)

**Sec. 21-78. Debris receptacles.**

(a) In order to control litter caused by smoking and demarcate the appropriate distance from public entrances where smoking is permitted, the city shall place debris receptacles:

- (1) At a distance of twenty-five (25) feet from an entrance to a public building where smoking is permitted.

(b) Any person who intentionally moves a debris receptacle, when placed pursuant to this article, more than one (1) foot in any direction from its appropriate location, is guilty of a misdemeanor, punishable by up to ninety (90) days in jail, a fine up to five hundred dollars (\$500.00), and/or court costs.

(Ord. No. 80-720, § 1, 7-23-14)

**Sec. 21-79. Construction.**

This article is intended to supplement, not duplicate or preempt, any applicable ordinance, state law, or federal law. Therefore, this article shall not be interpreted to permit smoking where it is otherwise restricted by other applicable laws.  
(Ord. No. 80-720, § 1, 7-23-14)

**Sec. 21-80. Penalties and enforcement.**

(a) Except where otherwise specified, any violation of this article is a municipal civil infraction, punishable by:

- (1) A fine not to exceed one hundred dollars (\$100.00) for the first violation.
- (2) A fine not to exceed two hundred dollars (\$200.00) for each additional violation of this article, within a one-year period.

(b) If a person continues to smoke after a police officer tells the person to stop, or issues him or her a citation under this article, the police officer may:

- (1) Ask the person to leave the public property; and/or
  - (2) Issue the person a citation for a misdemeanor, punishable by up to ninety (90) days in jail, a fine up to five hundred dollars (\$500.00), and/or court costs.
- (Ord. No. 80-720, § 1, 7-23-14)



## Chapter 22

### OFFENSES\*

#### Article I. In General

- Sec. 22-1. Abolition of distinction between accessory and principal.
- Sec. 22-2. Attempt to commit an ordinance violation.
- Sec. 22-3. Spitting in public places.
- Sec. 22-4. Reserved.
- Sec. 22-5. Illegal occupation or business.
- Sec. 22-6. Arrest without warrant; peace officer.
- Sec. 22-7. Reserved.
- Sec. 22-8. Reserved.
- Sec. 22-9. Reserved.
- Sec. 22-10. Reserved.
- Secs. 22-11—22-20. Reserved.

#### Article II. Offenses Against Public Administration

- Sec. 22-21. Disobeyance of signs and persons supervising public places.
- Sec. 22-22. Hindering officers and employees.
- Sec. 22-23. Obeying lawful command of police officer, etc.
- Sec. 22-24. False alarms.
- Sec. 22-25. Interference with police and fire emergency alarm system.
- Secs. 22-26—22-40. Reserved.

#### Article III. Offenses Against the Person

- Sec. 22-41. Assault and battery; domestic assault.
- Sec. 22-42. Domestic assault.
- Sec. 22-43. Neglect of family.
- Sec. 22-44. Harassment, stalking.
- Sec. 22-45. Harassing or indecent telephone calls.
- Sec. 22-46. Malicious annoyance by writing.
- Sec. 22-47. Improper exposition or disposition of a dead human body.
- Secs. 22-48—22-60. Reserved.

#### Article IV. Offenses Against Property

##### Division 1. Generally

- Sec. 22-61. Damage to public property.
- Sec. 22-62. Malicious destruction of property.
- Sec. 22-63. Throwing stones or missiles.
- Sec. 22-64. Graffiti.
- Secs. 22-65—22-70. Reserved.

##### Division 2. Trespass

- Sec. 22-71. Trespass upon lands or premises of another.
- Sec. 22-72. Unauthorized entrance upon private parking area.
- Sec. 22-73. Walking on lawns by delivery persons.
- Sec. 22-74. Entering certain structures prohibited.
- Sec. 22-75. Breaking and entering structures.
- Secs. 22-76—22-85. Reserved.

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\*Cross references—City crime commission, § 2-141 et seq.; nuisances, Ch. 21; police Ch. 26; traffic and motor vehicles, Ch. 37.

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### Division 3. Theft

- Sec. 22-86. Larceny generally.
- Sec. 22-86.1. Retail fraud.
- Sec. 22-87. Larceny from libraries.
- Sec. 22-88. Misrepresentation of identity of motors, appliances, etc.
- Secs. 22-89—22-105. Reserved.

### Article V. Offenses Against Public Peace

- Sec. 22-106. Loitering.
- Sec. 22-107. Disturbing the peace generally.
- Sec. 22-108. Jostling.
- Sec. 22-109. Language or gestures causing public disorder.
- Sec. 22-110. Disorderly person.
- Sec. 22-111. Disturbance of religious worship.
- Sec. 22-112. Window peeping.
- Sec. 22-113. Responsibility for disorderly residence/premises; regulating use of alcoholic beverage and drugs.
- Sec. 22-114. Funeral, memorial service, viewing, procession or burial.
- Sec. 22-115. Reserved.
- Sec. 22-116. Anti-camping.
- Sec. 22-117. Operation of skateboards, roller skates, roller blades, scooters, or similar non-motorized wheeled devices.
- Secs. 22-118—22-135. Reserved.

### Article VI. Offenses Against Public Morals

- Sec. 22-136. Indecent exposure.
- Sec. 22-137. Prostitution.
- Sec. 22-138. Gambling.
- Sec. 22-139. Public display of sexually explicit pictures.
- Sec. 22-140. Registered sex offender restrictions.
- Secs. 22-141—22-150. Reserved.

### Article VII. Offenses Against Public Safety

#### Division 1. Generally

- Sec. 22-151. Abandonment of refrigerators, etc., with air-tight doors.
- Secs. 22-152—22-160. Reserved.

#### Division 2. Weapons

- Sec. 22-161. Discharge of firearms.
- Sec. 22-162. Discharge of bow and arrow.
- Sec. 22-163. Discharge of air gun.
- Sec. 22-164. Hunting.
- Sec. 22-165. Reserved.
- Sec. 22-166. Reserved.
- Sec. 22-167. Reserved.
- Sec. 22-168. Dangerous weapons.
- Sec. 22-169. Exemption for skeet, trap or bow and arrow shooting range.
- Sec. 22-170. Forfeiture and disposal of pistols declared contraband.
- Secs. 22-171—22-190. Reserved.

## ARTICLE I. IN GENERAL

### Sec. 22-1. Abolition of distinction between accessory and principal.

Every person concerned in the commission of an offense under this Code, whether he or she directly commits the act constituting the offense or procures, counsels, aids or abets in its commission may hereafter be prosecuted, indicted, tried and on conviction shall be punished as if he or she had directly committed such offense.

**State law reference**—Similar provisions, MCL 767.39.

### Sec. 22-2. Attempt to commit an ordinance violation.

Any person who shall attempt to commit an offense prohibited by ordinance, and in such attempt shall do any act towards the commission of such offense, but shall fail in the perpetration, or shall be intercepted or prevented in the execution of the same, shall be punished as follows: confinement in the county jail for a period of up to forty-five (45) days; and a fine in the sum not to exceed one-half ( $\frac{1}{2}$ ) of the greatest punishment which might have been inflicted if the violation so attempted had been committed and probation for a period of up to one (1) year and court costs.

(Ord. No. 80-311, § 1, 9-24-85)

**State law reference**—Attempt to commit crime, MCL 750.92.

### Sec. 22-3. Spitting in public places.

No person shall spit upon any public sidewalk, or upon the floor or interior of any public conveyance, or upon the floor or walls of any theater, hall, assembly room, church, school or public building.

(Code 1967, § 8-214)

**Cross reference**—Streets, sidewalks and other public places, Ch. 34.

### Sec. 22-4. Reserved.

**Editor's note**—Ord. No. 80-719, § 1, adopted March 17, 2014, repealed § 22-4 which pertained to begging and derived from § 8-201(h) of the 1967 Code.

### Sec. 22-5. Illegal occupation or business.

It shall be unlawful for a person to engage in an illegal occupation or business.

(Code 1967, § 8-201(d))

**State law reference**—Such person defined as a disorderly person, MCL 750.167(1)(d).

### Sec. 22-6. Arrest without warrant; peace officer.

(a) Definitions. As used in this section, "school property" means the term as defined in section 7410 of the public health code. 1978 PA 368, MCL 333.7410

(b) When a person is arrested without a warrant in any of the following cases, the arrested person shall without unreasonable delay, be taken before a magistrate who is nearest or most accessible within the judicial district as provided in section 13 of Chapter IV of the Code of Criminal Procedure, Act No. 175 of the Public Acts of 1927 (MCL 764.13), or, if a minor, taken before the probate court within the county in which the offense charged is alleged to have been committed. A peace officer, without a warrant, may arrest a person in any of the following situations:

- (1) When a person commits a felony, misdemeanor, or ordinance violation in the peace officer's presence.
- (2) When a person has committed a felony although not in the peace officer's presence.
- (3) When a person commits a felony in fact and the peace officer has reasonable cause to believe that the person committed it.
- (4) When the peace officer has reasonable cause to believe a misdemeanor punishable by imprisonment for more than ninety-two (92) days or a felony has been committed and reasonable cause to believe that the person committed it.
- (5) When the peace officer has received positive information by written, telegraphic, teletypic, telephonic, radio, electronic, or other authoritative source that another peace officer or a court holds a warrant for the person's arrest.

- (6) When the peace officer has received positive information broadcast from a recognized police or other governmental radio station, or teletype, that affords the peace officer reasonable cause to believe a misdemeanor punishable by imprisonment for more than ninety-two (92) days or a felony has been committed and reasonable cause to believe the person committed it.
- (7) When the peace officer has reasonable cause to believe the person is an escaped convict, has violated a condition of parole from a prison, has violated condition of probation imposed by a court, or has violated a condition of pardon granted by the executive.
- (8) When the peace officer has reasonable cause to believe the person was, at the time of the accident in this state, the operator of the vehicle involved in the accident and was operating the vehicle in violation of section MCL 257.625(1), (3), (6), (7) or section 257.625 (m) of the Michigan Vehicle Code. Pursuant to Warren Code of Ordinances Section 37-1:625(1), (3), (6), (7) or (m).
- (9) When the person is found in the driver's seat of a vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes in the roadway and the peace officer has reasonable cause to believe the person operating the vehicle in violation of MCLA Section 257.625(1), (3), (6) or (7) or Section 257.625 (m) of the Michigan Vehicle Code. Pursuant to Warren Code of Ordinances Section 37-1:625(1), (3), (6) or (7) or (m).
- (10) When the peace officer has reasonable cause to believe that person was, at the time of an accident, the operator of a snowmobile involved in the accident and was operating the snowmobile in violation of Section 82127(1) or (3) of the Natural Resources and Environmental Protection Act. Violations of this subsection shall be enforced in a manner pursuant to the Natural Resources and Environmental Protection Act.
- (11) When the peace officer has reasonable cause to believe the person was, at the time of the accident, the operator of an ORV involved in the accident and was operating the ORV in violation of Section 81134(1) or (2) or 81135 of the Natural Resources and Environmental Protection Act. Violations of this subsection shall be enforced in a manner pursuant to the Natural Resources and Environmental Protection Act.
- (12) When the peace officer has reasonable cause to believe a violation of Section 356 (c) or 356 (d) of the Michigan Penal Code MCL 750.356c or 356d, has taken or is taking place and reasonable cause to believe the person has committed or is committing the violation, regardless of whether the violation was committed in the peace officer's presence.
- (13) When the peace officer has reasonable cause to believe a misdemeanor has taken place or is taking place on school property and reasonable cause to believe the person committed or is committing the violation, regardless of whether the violation was committed in the peace officer's presence.

(Ord. No. 80-569, § 1, 5-8-01)

**Sec. 22-7. Reserved.**

**Editor's note**—Ord. No. 80-527, § 17, adopted Jan. 13, 1998, repealed § 22-7, which pertained to tobacco products on school property and derived from Ord. No. 80-481, § 1, 4-25-95.

**Sec. 22-8. Reserved.**

**Editor's note**—Ord. No. 80-527, § 17, adopted Jan. 13, 1998, repealed § 22-8, which pertained to providing tobacco products to persons under eighteen and signs required for sale of tobacco products at retail and derived from Ord. No. 80-403, § 1, 4-28-92 and Ord. No. 80-481, § 1, 4-25-95.

**Sec. 22-9. Reserved.**

**Editor's note**—Ord. No. 80-527, § 17, adopted Jan. 13, 1998, repealed § 22-9, which pertained to severability and derived from Ord. No. 80-403, § 1, 4-28-92; Ord. No. 80-420, § 2, 11-24-92; and, Ord. No. 80-481, § 1, 4-25-95.

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ZONING\*

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\***Editor's note**—Printed herein as adopted is the zoning ordinance of the city, ordinance number 30, adopted on July 21, 1960. Amendments have been inserted and are indicated by history notes in parentheses following the amended sections or subsections. Obvious misspellings have been corrected. The word "section" has been added before those catchlines which are missing the word "sections." Other changes made for clarity are enclosed by brackets [ ].

**Charter references**—Zoning authority, § 3.1(b)(2)(h); planning department, planning commission, § 7.22.

**Cross references**—Any ordinance pertaining to zoning saved from repeal, § 1-6(13); buildings and building regulations, Ch. 9; mobile homes and trailers, Ch. 20; signs, Ch. 31; soil removal, dumping and regrading, Ch. 32; streets, sidewalks and other public places, Ch. 34; subdivision regulations, Ch. 35; fences generally, App. A, § 4.70 et seq.

**State law reference**—Authority to regulate land use, MCL 125.581 et seq.

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<i>Use</i>	<i>Required Parking Space</i>
	multiplied by the factor 80% and that result divided by two hundred (200), which result will give parking requirement.
(20) Furniture and appliance stores, personal service shops (not including beauty parlors and barber shops), household equipment or furniture repair shops, clothing or shoe repair or service shops, hardware stores, motor vehicle sales, wholesale stores and machinery sales.	One (1) parking space for each five hundred (500) square feet of floor area.
(21) Beauty parlors and Barber shops.	Two (2) parking spaces for each beauty and/or barber shop chair.
(22) All retail stores, martial arts and yoga studios, except as otherwise specified herein.	One (1) parking space for each one hundred fifty (150) square feet of floor space.
(23) Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops, warehouse and storage buildings.	Provide upon land owned by such establishment about each industrial building, buildings or use, other than the front yard, or driveways which shall be sufficient in size to provide adequate facilities for the parking of automobiles and other motor vehicles used by the firm or employees or persons doing business therein, such space shall not be less than one (1) parking space for each four (4) employees, computed on the basis of the greatest number of persons to be employed at any one period during the day or night, and in no case shall the area allotted to off-street parking be less than one hundred (100) per cent of the total floor area.

<i>Use</i>	<i>Required Parking Space</i>
(24) Amusement Machines	One (1) parking space shall be provided for each amusement machine (as defined in Section 3-501, Code of Ordinances), in addition to the parking requirements for the commercial use in which the amusement machine is located.
(25) Senior Citizen Housing	One (1) parking space per dwelling unit.
(26) Hospitals and Sanitoriums.	Three (3) spaces per bed for all hospitals (including psychiatric, medical, both private and public), except if hospital has ambulatory outpatient service and/or educational training programs, then four (4) spaces per bed.
(27) Sexually oriented businesses	One (1) parking space for each three hundred fifty (350) square feet of net floor area, as defined in Section 6-77 of the Warren Code of Ordinances.

(i) All spaces that abut a continuous curb required in accordance with Section 16.07 of this Ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes:

<i>Type</i>	<i>Width</i>	<i>Length</i>	<i>Length of Maneuvering Lane</i>
90°	9'	22'*	22'
60°	9'	20'*	20'
45°	9'	19'*	17'
Parallel	12'*	20'	15' one-way 20' two-way

All spaces that abut a common property line where a continuous curb is not required shall provide one protective bumper curb per parking space. Said bumper curb shall be placed no closer than five feet from the property line.

All spaces that do not abut a continuous curb required in accordance with Section 16.07 or a common property line shall be laid out in the following dimensions:

Type	Width	Length	Length of Maneuvering Lane
90°	9'	20'*	22'
60°	9'	18'*	20'
45°	9'	17'*	17'
Parallel	10'*	20'	15' one-way 20' two-way

\*Measured from the front of the stall on a perpendicular line.

(j) All requests and applications for building permits for structures or uses other than one and two-family dwellings requiring off-street parking shall be accompanied by plans identifying the parking stalls, their widths and lengths, maneuvering area, and points of ingress and egress.

(k) All off-street parking areas shall be provided with adequate ingress and egress, shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent), shall be maintained in a usable dustproof condition, shall be graded and drained to dispose of all surface water, provide protective bumper curbs as per Sections 4.32 (i) and 16.07, and shall otherwise comply with Section 2.46 and 16.05 of this Ordinance.

(Ord. No. 30-287, § 3, 8-13-68; Ord. No.30-294, § 1, 9-24-68; Ord. No. 30-367, § 1, 4-13-71; Ord. No. 30-444, § 1, 8-14-73; Ord. No. 30-457, § 4, 2-12-74; Ord. No. 30-462, § 2, 7-9-74; Ord. No. 30-485, §§ 1, 2, 6-10-75; Ord. No. 30-489, §§ 1, 2, 7-22-75; Ord. No. 30-500, § 4, 1-27-76; Ord. No. 30-559, § 2, 5-9-78; Ord. No. 30-627, § 1, 11-12-80; Ord. No. 30-657, § 3, 4-12-83; Ord. No. 30-1002, § 2, 10-22-13; Ord. No. 30-1005, § 1, 7-9-14)

**Section 4.33 Curb cuts.**

It shall be unlawful for any person to cut, break out or remove any curb along or to construct a curb return or driveway approach in the right-of-way of a public street, way or alley except as authorized by the Director of Public Service of the City of Warren.

**Section 4.34 [Parking as adjunct use.]**

In all districts where off-street parking facilities are permitted uses as an adjunct to business and such facilities provide a service to the patrons or customers patronizing such businesses, such off-street parking lots shall be established and maintained as prescribed by Article XVI.

**Section 4.35 Circuses, fairs, carnivals and similar uses.**

Permit circuses, fairs, carnivals and similar uses in any District after approval by the Board of Appeals under the following conditions:

- (1) When engaged in by schools, churches, fraternal societies and similar non-profit organizations as an accessory use for the sole purpose of raising money for the financial support of such institutions in pursuit of their natural functions; provided, that such uses are confined to the land and buildings normally used and occupied by such institutions.
- (2) A permit is obtained from the City of Warren Police Department.
- (3) Such use and occupancy is not disturbing to the public peace and tranquility.
- (4) Such use and occupancy will not create undue traffic hazard and congestion.
- (5) Permits for such uses shall be valid for a total of sixteen (16) consecutive or nonconsecutive days; however, the permit expires thirty (30) days from the date of issue.

(Ord. No. 30-868, § 1, 9-24-96)

**Section 4.36 Building set backs on major streets and highways.**

(a) No building or structure shall be erected or constructed within the area set down by the City's Master Thoroughfare Plan.

(b) All set backs, where required, shall be measured from the proposed right-of-way established by the City's Master Thoroughfare Plan.

**Section 4.37 Municipal parking lots.**

The City Council, in consultation with the Planning Commission, shall make studies of various areas in the City of Warren for the purposes of determining areas in which there is need for the establishment of off-street parking facilities to be provided by the City of Warren and to be financed wholly or in part by a special assessment district or shall include recommendations of the site, location and other pertinent features of the proposed off-street parking facilities and the area they should be intended to serve.

Wherever, pursuant to this procedure, the City Council shall establish off-street parking facilities by means of a special assessment district, or by any other means the City Council may determine, upon completion and acceptance of such off-street parking facilities by the City Council, all existing buildings and uses and all buildings



cept residential dwellings, hospitals, sanitoriums, and rest and convalescent homes.

- (b) Generally recognized retail businesses, which supply commodities on the premises, for persons residing in the surrounding residential areas:

Market - A retail market where groceries, fruit, vegetables, dairy products, and meat may be purchased.

Delicatessen, including commonly referred to Carry-Out-Food Stores, in which prepared food that is purchased is consumed off the premises.

Drug Stores.

Variety Store (5 and 10 cent store)

Hardware Store

Gasoline and Oil Service Stations

Florist or Gift Shop

Shops producing food merchandise to be sold at retail on the premises, such as a bakery shop provided that the service of not more than five (5) persons are required to produce merchandise.

- (c) Personal service establishments which perform services on the premises, for persons residing in the surrounding residential area.

Barber Shop

Beauty Parlor

Shoe Repair

Laundromat - A self-service establishment providing home-type washers and dryers to be used on the premises by customers.

Fix-it, Radio or Television Repair Shop

Fur and Dry Cleaning - Fur and dry cleaning establishments, provided that nonflammable and odorless cleaning fluid or solvent is used; provided also, that all dry cleaning is limited to that material and clothing picked up over the counter of said

premises; and provided further, that the total gross floor area of the dry cleaning establishment does not exceed two thousand (2,000) square feet.

Bicycle Repair

Tailor Shop

Music Studio

Restaurant or Tea Room, not including Drive-Ins, where the food is consumed in the building in which it is prepared.

Martial arts or yoga studios, instruction in or practice or participation in the martial arts or yoga, where the square footage does not exceed 3,000 square feet of floor space.

- (d) Business offices and professional offices of doctors, dentists, lawyers, chiropractors, osteopaths, and similar or allied professions.

- (e) Banks.

- (f) Publicly owned buildings, public utility buildings, telephone exchange buildings, gas regulator stations, transformer stations and substations with service yards but without storage yards, water and sewerage pumping stations.

- (g) (1) Veterinary clinics - providing professional services and medical care for sick or diseased household pets by a licensed professional veterinarian. Such building shall be of soundproof construction so as to prevent the noise from disturbing the surrounding area.

The use of the premises as a kennel or boarding establishment as such shall not be allowed, nor shall the clinic have open or outdoor runways or pens. Off-street parking requirements shall be determined as provided in Section 4.32(h)19.

- (h) Accessory buildings and uses customarily incidental to any of the above permitted uses. A storage garage for the storage of commercial vehicles used by a business or

other permitted activity, when located on the same lot therewith and occupying not more than twenty-five (25) percent of the area of such lot shall be considered a legal accessory building and use in C-1 Districts.

- (i) Retail businesses which maintain for operation on the premises amusement machines but not an amusement machine center as defined in Section 3-501[6-226] of the Code of Ordinances.

- (j) Outdoor retail sales pursuant to Section 4.45 of this ordinance.

(Ord. No. 30-139, § 1, 8-25-64; Ord. No. 30-235, § 1, 2-14-67; Ord. No. 30-283, § 4, 6-25-68; Ord. No. 30-595, § 1, 7-24-79; Ord. No. 30-657, § 4, 4-12-83; Ord. No. 30-726, § 5, 9-23-86; Ord. No. 30-835, § 4, 2-22-84; Ord. No. 30-859, § 3, 3-26-96; Ord. No. 30-1005, § 2, 7-9-14)

**Section 13.01A Approval of special land use permit.**

Under such conditions as the City Council, after hearing, finds the use not being injurious to the C-1 District and surrounding area and not contrary to the spirit and purpose of this Ordinance and subject to the conditions that may be imposed, the following uses may be permitted:

- (a) An establishment permitted in Section 13.01 above, that is granted a license by the State Liquor Control Commission as either a Class C licensed establishment or tavern.

(Ord. No. 30-659, § 3, 4-26-83)

**Section 13.02 Building height.**

No building hereafter erected or altered in a C-1 District shall exceed thirty-five (35) feet in height or two (2) stories, except as provided in Article XIX of this Ordinance.

**Section 13.03 Greenbelt.**

All non-residential uses, when adjacent to an existing residence or residential district or adjacent to an alley which abuts an existing residence

or residential district shall provide and maintain an eight (8) foot greenbelt or decorative wall in compliance with Section 2.26 of this Ordinance.

**Section 13.04 Front yards for commercial buildings.**

A fifteen (15) foot front yard setback shall be provided by all commercial buildings in a C-1 District, measuring from the proposed right-of-way line established by the City's Master Thoroughfare Plan.

**Section 13.05 Side yards on interior lot lines.**

In C-1 Districts side yards are not required along an interior side lot line where all walls of buildings abutting such interior side lot lines are wholly without windows or other openings, but if windows or openings are provided, a side yard of not less than ten (10) feet shall be provided.

**Section 13.06 Side yards on the street side of corner lots.**

The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall be not less than twenty-five (25) feet.

**Section 13.07 Rear yards.**

In C-1 Districts, a rear yard of not less than twenty (20) feet shall be required; where alleys exist the measurement of the rear yard may include one-half (1/2) of the alley.

A rear yard shall not be required of all commercial lots having depths of one hundred (100) feet or less, if such lots are of record at the time of adoption of this Ordinance.

**Section 13.08 Rear yard abutting a street.**

In C-1 Districts on any lot running through from street to street, a rear yard shall be provided on the rear street conforming to the requirements for front yards on that street.

**Section 13.09 Corner clearance for business use.**

In C-1 Districts no business building or structure may be erected between the property lines of intersecting streets or highways and a line joining



- c. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the subsequent location of a use listed in subsection 14.01(s)(3)(a) or 14.01(s)(3)(b) of this chapter within one thousand (1,000) feet of the sexually oriented business.

(t) Book or stationery store.

(Ord. No. 30-182, § 1, 8-31-65; Ord. No. 30-283, § 2, 6-25-68; Ord. No. 30-284, § 1, 6-25-68; Ord. No. 30-285, § 1, 7-2-68; Ord. No. 30-462, § 3, 7-9-74; Ord. No. 30-488, § 1, 7-22-75; Ord. No. 30-657, § 5, 4-12-83; Ord. No. 30-659, §§ 4, 5, 7-24-84; Ord. No. 30-726, §§ 7, 8, 9-23-86; Ord. No. 30-805, § 3, 12-26-91; Ord. No. 30-835, § 5, 2-22-94; Ord. No. 30-859, § 4, 3-26-96; Ord. No. 30-879, §§ 1, 2, 8-12-97; Ord. No. 30-900, §§ 1, 2, 10-13-98; Ord. No. 30-943, § 2, 2-24-04; Ord. No. 30-961, § 1, 10-11-05; Ord. No. 30-964, § 1, 3-28-06; Ord. No. 30-1002, § 3, 10-22-13)

#### **Section 14.02 Approval of special land use permit.**

Under such conditions as the City Council, after recommendation of the Planning Commission, finds the use meets the standards for approval set forth in Section 22.14 of the Ordinance and subject to the conditions that may be imposed, the following uses may be permitted:

A. *Recreation space*, both indoor and outdoor, health science and related uses including but not limited to the following:

- (1) Health spas,
- (2) Martial arts or yoga studios, instruction in or practice or participation in the martial arts or yoga, where the square footage exceeds 3,000 square feet of floor space,
- (3) Gymnasiums,
- (4) Massage establishment - as defined in Ordinance No. 80-166, adopted [Code of Ordinances Chapter 19],

- (5) Turkish baths, bath houses, saunas, or businesses providing whirlpool baths, or mineral baths as a primary use,
- (6) Racquetball, handball, tennis, badminton, squash courts, Jai-Alai, hockey rinks,
- (7) Reducing salons,
- (8) Skateboard parks, motorcycle rinks, roller rinks, children's amusement park, shuffleboard, miniature golf, and other similar recreation when part of a planned development,
- (9) Amusement machine center - as defined in Section 3-501 [6-226] of the Code of Ordinances, provided that an amusement machine may not be located closer than 1500' from any public or private school,
- (10) Dancing halls, recreation halls, and night clubs where alcoholic beverages are not consumed on the premises,
- (11) Automotive sales businesses, both indoor and outdoor, and which shall include:
  - (a) Used car lots;
  - (b) New car dealerships; and
  - (c) Retail or service establishments that include on their premises the storage, sale or display of new or used cars for sale.

B. *Hospitals or sanitoriums* primarily established for mental, alcoholism, or drug addict cases; community mental health centers, clinics for treatment of alcoholism, drugs or other substance abuse, rehabilitation centers for treatment, involving any of the above and/or former convicts, emotionally disturbed or mentally deficient persons, and children or adolescents who have been adjudged delinquent. The above uses shall be permitted only as part of a shopping center as defined in Section 2.67 of this ordinance. Said shopping cen-

ter shall contain a minimum of five (5) acres of land area and 20,000 square feet of total floor area.

- C. *Antennas and antenna towers.* Any request for special land use approval for an antenna or antenna tower in a C-1, C-2, C-3 or SS district must comply with all the standards set forth in section 4.64 for site plan approval and for special land use approval set forth in section 22.14.
- D. *Motels, hotels, and motor courts.* In addition to the standards for approval of a special land use approval, set forth in section 22.14, the following minimum requirements shall be met:
  - 1. Each such use shall be located on a major thoroughfare as identified by the City of Warren Master Thoroughfare Plan. This requirement may not apply in the city center district at the discretion of the city council.
  - 2. Each such use shall be located a minimum distance of three hundred (300) ft. from any one-family residential district, except an R-1-P one-family parking district.
  - 3. Each such use shall have a minimum total site area of two (2) acres.
  - 4. Each such use shall have a minimum lot area of seventy-two hundred (7,200) square feet for the first unit and one thousand (1,000) square feet for each additional unit.
  - 5. Each such use shall have a front, two (2) sides and one (1) rear yard, each yard having a minimum width equal to the height of the building. Furthermore, each yard bordering along any street shall be not less than twenty-five (25) feet.
  - 6. Each unit shall have at least one (1) room with a minimum of one hundred and fifty (150) square feet of floor area and a separate bathroom with a minimum of thirty-five (35) square feet of floor area.

- 7. These minimum requirements may be varied at the discretion of the city council if any such use is part of larger development, which incorporates other uses in a coordinated, comprehensive site plan.

(Ord. No. 30-462, § 4, 7-9-74; Ord. No. 30-538, § 5, 6-14-77; Ord. No. 30-545, § 1, 9-27-77; Ord. No. 30-559, § 1, 5-9-78; Ord. No. 30-566, § 1, 8-22-78; Ord. No. 30-573, § 1, 12-27-78; Ord. No. 30-657, §§ 6, 7, 4-12-83; Ord. No. 30-726, §§ 9, 10, 9-23-86; Ord. No. 30-835, § 6, 2-22-94; Ord. No. 30-857, § 3, 1-9-96; Ord. No. 30-879, § 3, 8-12-97; Ord. No. 30-881, § 3, 10-28-97; Ord. No. 30-900, § 3, 10-13-98; Ord. No. 30-1001, § 2, 8-27-13; Ord. No. 30-1005, § 3, 7-9-14)

**Section 14.03 Building height.**

No building hereafter erected or altered in C-2 Districts, shall exceed thirty-five (35) feet or two (2) stories in height, except as provided in Article XIX of this Ordinance.

**Section 14.04 Greenbelt.**

All non-residential uses, when adjacent to an existing residence or residential district or adjacent to an alley which abuts an existing residence or residential district, shall provide and maintain a twenty (20) foot greenbelt, or decorative wall, in compliance with Section 2.26 of this Ordinance.

**Section 14.05 Lot area.**

Every lot in C-2 Districts, used as a business, shall have an area sufficient in size to supply an adequate and safe water supply and a safe and adequate sewage disposal system as established by standards required by the State or County Health Departments' rules and regulations. In no case shall a business lot be less than ten thousand (10,000) square feet in area, except lots of record at the time of adoption of this Ordinance.

**Section 14.06 Front yard for commercial buildings.**

A front yard set-back of fifteen (15) feet shall be provided for commercial buildings, measuring from the right-of-way line proposed by the Master Thoroughfare Plan of the City of Warren.

	<i>M-1</i>	<i>M-2</i>	<i>M-3</i>	<i>M-4</i>
(i) Hot forgings steam or board hammers	No	No	Yes When located 1,000 ft. from any zoned residential district and when operations are located within a masonry building, on a suitable reinforced concrete mat mounted on shock absorbers that reduce vibration to a reasonable minimum.	Yes
(j) Noise decibels as measured at the street or property line which ever causes the largest reading.	75 All mechanical noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Noise may equal but shall not exceed average street traffic noise during such periods that traffic noise exceed above decibel readings.	80	85	90
(k) Smoke, as measured by the Ringlemann Chart	No 2 For periods aggregating four (4) minutes in any thirty (30) minutes.	No. 2	No. 2	No. 2
(l) Smoke, dust, dirt, and fly ash	No 2 For periods aggregating three (3) minutes in any fifteen (15) minutes when starting a new fire.	No. 3	No. 3	No. 3
(m) Odors	No 2 Shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed fifty (50) percent excess air and shall in no manner be unclean, destructive, unhealthful, hazardous nor shall visibility be impaired by the emission of a haze which unduly impedes vision without apparent opaqueness equivalent to No. 1 of the Ringlemann Chart.	No. 3	No. 3	No. 3
(n) Gases	No 2 The emission of obnoxious odors of any kind shall not be permitted which are contrary to the public health, safety and general welfare.	No. 3	No. 3	No. 3
(o) Glare and heat	No 2 No gas shall be emitted which is deleterious to the public health, safety or general welfare.	No. 3	No. 3	No. 3

<p>(p) Fire and safety hazards (the storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with State rules and regulations as established by Public Act No. 207, P.A. 1941 [MCL 29.1 et seq.], as amended, and in addition the following regulations shall apply): Bulk storage of flammable liquids, liquid petroleum gases and explosives allowed above ground if conditions meet those established by Chapter 13 of the Warren Codified Ordinances - Fire Prevention and Protection and Michigan flammable Liquids Regulations as amended.</p>	<p>M-1</p>	<p>No</p>	<p>M-2</p>	<p>No</p>	<p>M-3</p>	<p>Yes</p>	<p>M-4</p>	<p>Yes</p>
<p>All tanks shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>				
<p>Bulk storage of flammable below ground</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>Yes</p>				
<p>(q) Sewage Waste</p>								
<p>1. No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety.                  2. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a temporary variation of [sic].                  3. Wastes shall contain no Cyanides and no Halogens and shall not contain more than 10 ppm of the following gases: Hydrogen Sulphide, Sulphur Dioxide and Nitrous Oxide.                  4. Wastes shall not contain any insoluble substances in excess of 10,000 ppm or exceed a daily average of 500 ppm or fail to pass a No. 8 Standard Sieve, or, have any dimensions greater than 1/2 inch.                  5. Wastes shall not have chlorine demand greater than 15 ppm.                  6. Wastes shall not contain phenols in excess of .005 ppm.</p>								

<p><i>M-1</i></p> <p>7. Wastes shall not contain any grease or oil or any oily substance in excess of 50 ppm or exceed a daily average of 25 ppm.</p> <p>(r) Number of Production work hours including Sunday and holidays.</p>	<p><i>M-2</i></p> <p>From 6:00 a.m. to 11:00 p.m. if nearest residence is two hundred (200) feet or more from industrial plant.</p> <p>24 hrs.</p> <p>7:00 a.m. to 7:00 p.m. if nearest residence is less than two hundred (200) feet from industrial plant.</p> <p>24 hrs.</p>	<p><i>M-3</i></p> <p>24 hrs.</p>	<p><i>M-4</i></p> <p>24 hrs.</p>
<p>(s) Open storage other than junk</p>	<p><i>M-1</i></p> <p>Yes</p>	<p><i>M-2</i></p> <p>Yes</p>	<p><i>M-3</i></p> <p>Yes</p>
<p>(t) Open storage for junk, auto wrecking yards and other waste products.</p>	<p><i>M-1</i></p> <p>Yes</p>	<p><i>M-2</i></p> <p>Yes</p>	<p><i>M-3</i></p> <p>Yes</p>

All open storage shall be located in a designated area approved by the Planning Commission as a part of site plan approval. The area shall be enclosed on three (3) sides by chain link fencing with metal/plastic slats used for screening as deemed necessary by the Planning Commission. In M-3 and M-4 zones the Planning Commission shall determine whether screening of the outside storage is necessary based on the relationship of the storage to properties zoned residential as identified in Section 3.01(1—7) of the Zoning Ordinance.

The designated area shall always be hardsurfaced and screened from the public street and any residentially zoned areas. The designated areas shall not be located in any area required for parking space and is necessary to meet the minimum requirements of Section 4.32 of this ordinance. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site except in M-3 and M-4 zones where the amount of outside storage area is not limited based on the size of the primary structure. In M-1 and M-2 zones the designated area shall not be located any closer than seventy-five (75) feet to the front property line unless the size of the lot is less than one hundred fifty (150) feet in depth in which case the Planning Commission may allow the designated area to be located no closer than twenty-five (25) feet from the front property line. In M-3 and M-4 zones outside storage may not be closer than one hundred fifty (150) feet from any street right-of-way line.

Lumber, including wood pallets or other combustible material, shall not be stored less than twenty (20) feet from any interior lot line. An open driveway shall be provided that has a graded roadway, is hardsurfaced and maintained from the street to the storage area in order to permit clear access for fire trucks at any time to the open storage areas.



CODE COMPARATIVE TABLE

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80-693	8- 9-11	1		28-1, 28-3
80-694	11-15-11	1	Added	5-30—5-36
30-994	12-13-11	1		App. A, § 2.04
		2		App. A, §§ 22.09— 22.12
80-695	12-20-11	1		41-181
80-696	1-24-12	1		1-9
		2		1-11
		3—5		1-15—1-17
		6, 7	Added	1-19, 1-20
80-697	2-14-12	1	Added	4-8
80-698	3-27-12	1		21-46
80-699	4-24-12	1		2-16(a)
80-700	4-24-12	1	Added	22-114
80-701	6-12-12	1	Added	22-211—22-217
80-702	6-26-12	1	Rpld	13-16—13-29
		2	Added	13-16—13-28
80-703	6-26-12	1		6-76—6-89 6-95—6-103 6-109, 6-110
80-704	6-26-12	1		13-2
		2	Rpld	13-12
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		5		13-43
		6	Rpld	13-45
		7		13-59
		8	Added	13-70
80-705	7-10-12	1		9-165
		2—5		9-171—9-194
		6		9-176—9-184
		7	Added	9-200—9-205
80-706	9-25-12	1		21-66—21-72
80-707	9-25-12	1		21-46—21-49
80-708	12-18-12	1		41-181
80-709	5-14-13	1	Rpld	4-1, 4-3—4-8
		1	Added	4-1—4-15
80-710	6-25-13	1		13-18
		2		13-26
80-711	7- 9-13	1	Added	22-74
80-712	7-23-13	1		21-4
30-998	7- 9-13	1		App. A, § 2.26
		2	Added	App. A, §§ 4D.01— 4D.18 App. A, §§ 4D.31— 4D.34 App. A, §§ 4D.36— 4D.41 App. A, §§ 4D.43— 4D.47
30-999	7- 9-13	1	Rpld	App. A, §§ 4.70—4.84
30-1000	8-27-13	1		22-10(k)
30-1001	8-27-13	1		App. A, § 15.01
		2	Added	App. A, § 14.02.A(11)
		3	Added	App. A, § 2.92
		4		App. A, § 22.14(A), (B)(1)

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		5	App. A, § 4A.14(c)
		6	App. A, § 4A.42
30-1002	10-22-13	2	Added App. A, § 4.32(h)(27)
		3	App. A, § 14.01(s)
		4	Added App. A, § 17.02(z)
80-713	12-17-13	1	41-181
80-714	1-14-14	1	Added 41-1
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		5	41-182
80-715	1-14-14	1	Added 22-75
80-716	1-14-14	1	22-191
80-717	1-14-14	1	37-6
80-718	2-26-14	1	Added 13-12
80-719	3-17-14	1	Rpld 22-4
80-720	7-23-14	1	Added 21-73—21-80
30-1004	6-11-14	1	App. A, § 17.02
30-1005	7- 9-14	1	App. A, § 4.32(h)(22)
		2	App. A, § 13.01(c)
		3	App. A, § 14.02(A)

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436.33b	22-113	480.12k	37-34
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691.1401	Pt. I, § 8.9	750.317	22-42(h)(4)a.1.
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