

# Village of Westwood

## ORDINANCE NO. 7

AN ORDINANCE REQUIRING THAT A PERMIT BE OBTAINED PRIOR TO COMMENCEMENT OF AN ALTERATION TO A PUBLIC STREET, PROVIDING STANDARDS FOR INSURANCE OF PERMITS, SETTING FORTH THE AUTHORITY OF THE ROAD COMMISSIONER OVER OPERATIONS WITHIN HIS JURISDICTION, AND PROVIDING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS.

THE VILLAGE OF WESTWOOD ORDAINS:

Section 1. This ordinance shall be known and may be cited as the "STREET ALTERATION ORDINANCE".

Section 2. PERMIT REQUIRED. No person, firm, partnership, association, corporation, company or organization of any kind, shall begin to construct, reconstruct, repair, alter, or grade any sidewalk, curb, curb-cut, driveway or street, or interfere otherwise with the public streets without first obtaining a permit from the Road Commissioner as provided by this Ordinance.

Section 3. APPLICATION. An applicant for a permit hereunder shall file with the Road Commissioner an application showing:

- (1) Name and address of the owner, or agent in charge of the property abutting the proposed work area;
- (2) Name and address of the party doing the work;
- (3) Location of the work area;
- (4) Attached plans showing details of the proposed alteration;
- (5) Estimated cost of the alteration;
- (6) Such other information as the Road Commissioner shall find reasonably necessary to the determination of whether a permit shall issue hereunder.

Section 4. FEES. The following fees shall accompany an application for a permit hereunder:

- (1) Filing Fee. In cases where the estimated cost of a project shall exceed One Hundred (\$100.00) Dollars a filing fee of Two (\$2) Dollars for each One Hundred (\$100) Dollars of the estimated cost of the project shall accompany an application for a permit hereunder.
- (2) Inspection and Engineering Fee. The Road Commissioner shall charge a fee for all inspection and engineering services done in behalf of an applicant or permittee hereunder. The inspection and engineering fee shall be computed from a schedule of charges laid out anticipated actual costs. Such schedule shall be posted for public inspection in the office of the Road Commissioner or Village Clerk.

Section 5. BONDS. The following bonds shall accompany an application for a permit hereunder:

- (1) Construction and Maintenance. In cases where the estimated cost of a project shall exceed One Hundred Dollars (\$100.00) the Road Commissioner shall require a maintenance and construction bond to be filed with the application for a permit hereunder in an amount equal to one-half of the estimated cost of the project and conditioned that such work shall be done in accordance with the Village's Standard Specifications and guaranteeing the same for a period of one year.
- (a) Failure of Compliance by Permittee. In any case where a permittee hereunder shall be in default or shall fail to comply with the requirements of this Ordinance, the Road Commissioner shall order the completion of the work by the Village and shall recover the cost from permittee as required by law.
- (2) Indemnity. The Road Commissioner shall have the authority to require an applicant hereunder to file a bond conditioned to protect and save harmless the Village from all claims for damages or injury to other persons by reason of such alteration work.

Section 6. STANDARDS FOR INSURANCE OF PERMIT. The Road Commissioner shall issue a permit hereunder when he finds:

- (1) That the work shall be done according to the standard specifications of the Village for public work of like character;
- (2) That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of egress to and from the property affected and adjacent properties;
- (3) That the health and safety of the public will not be unreasonably impaired.

Section 7. SUPERVISION OF ROAD COMMISSIONER. All operations for which a permit is granted hereunder shall be under the direction and supervision of the Road Commissioner or his authorized agent.

Section 8. SEVERABILITY. Should any court of competent jurisdiction deem that any part, portion or phrase of the within ordinance to be invalid, such determination shall not thereby affect the validity of the remaining and unaffected portions of this ordinance and to such extent the Council of the Village of Westwood hereby declares the within ordinance to be severable.

Section 9. PENALTIES. Any person who shall violate any provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$100.00 or to imprisonment in the county jail for not more than ninety (90) days, or to both such fine and imprisonment, on the discretion of the court.

Section 10. EFFECTIVE DATE. This Ordinance shall take effect ten (10) days after its publication.

Made and passed by the Village Council of the Village of Westwood, this 14th day of April, A.D. 1958.

MARVIN B. CLINE, President

ALICE M. SPENCER, Village Clerk

## ORDINANCE NO. 8

"AN ORDINANCE TO AMEND NO. 6 ENTITLED 'AN ORDINANCE ESTABLISHING A VIOLATION BUREAU: PROVIDING FOR PROCEDURE IN THE ENFORCEMENT OF THIS ORDINANCE: SETTING FORTH VIOLATIONS WHICH MAY BE SETTLED AT VIOLATIONS BUREAU AND PRE-DETERMINED PENALTIES'."

THE VILLAGE OF WESTWOOD ORDAINS:

Section 1. Ordinance No. 6 be and the same is hereby amended by amending Section 5 to read as follows:

Section 5. VIOLATIONS WHICH MAY BE SETTLED AT VIOLATIONS BUREAU. PREDETERMINED PENALTIES, AND MICHIGAN UNIFORM TRAFFIC VIOLATION NOTICE. In the event settlement shall be made prior to the issuance of a warrant, the following violations, except as otherwise stated, may be settled at the Violations Bureau in lieu of having the violation prosecuted in court, upon payment in accordance with the provisions of this ordinance, of the respective penalties set opposite such named violations for the respective offense involved, as follows:

OFFENSE	PREDETERMINED PENALTIES
Abandoned Car	\$ 5.00
Blocking alley, crosswalk or driveway	5.00
Backing improperly	5.00
Driving against signal	10.00
Driving against traffic, left center of street	15.00

Driving on or over sidewalk	5.00
Driving over fire hose	15.00
Driving through funeral procession	10.00
Driving through private property	5.00
Driving to right of traffic	5.00
Did not have right-of-way	5.00
Entering street when traffic is blocked	5.00
Exceeding one-half speed on turns	5.00
Excessive noise and smoke	5.00
Failure to give right-of-way to Fire or Police Vehicles	5.00
Failure to stop at stop street	5.00
Failure to signal	5.00
Failure to stop when leaving alley or driveway	5.00
Failure to move disabled vehicle	3.00
Failure to yield right-of-way to pedestrian	3.00
Following fire apparatus	5.00
Hitch hiking from roadway	3.00
Interfering with traffic signs	5.00
Littering pavement	10.00
All light violations	5.00
Motor running unattended	5.00
Moving another vehicle to an illegal position	10.00
Obscured vision	10.00
Overloaded vehicle	10.00
Parking—all violations	2.00
Parked "For Sale" Cars on streets or Village property	2.00
Passing at intersection	5.00
Slow cars not keeping to right	5.00
Speeding:	

In 25 Mile Zone:	Up to 35 Miles	10.00
	36 to 40 Miles	20.00
	41 to 45 Miles	25.00

In 30 Mile Zone:	Up to 40 Miles	10.00
	41 to 45 Miles	20.00
	46 to 50 Miles	30.00
	Over 50 Miles	Reckless Driving

In 35 Mile Zone:	Up to 45 Miles	10.00
	46 to 50 Miles	20.00
	51 to 55 Miles	30.00
	Over 55 Miles	Reckless Driving

In 40 Mile Zone:	Up to 50 Miles	10.00
	51 to 55 Miles	20.00
	56 to 60 Miles	25.00
	Over 60 Miles	Reckless Driving

In 45 Mile Zone:	Up to 55 Miles	10.00
	56 to 60 Miles	20.00
	Over 60 Miles	Reckless Driving

Prohibited right or left hand turns—or improper turns	5.00
Starting amber signal	3.00
Truck on unpaved street	10.00
Truck driving on blacktop	10.00
Truck driving on residential street	10.00
Vehicle and load not within required dimensions	5.00

Equipment Violations:

Broken muffler	5.00
Defective brakes or steering	15.00
Failure to report change of address on Operator's license	5.00
Light on car	1.00
Improper Horn	3.00
No chains on truck or trailer	5.00
No warning on projection	10.00
No mirror on truck	5.00
No red flag on towing	5.00
No receipt or registration	5.00
Plates—dirty, obscured, improper, expired or missing	5.00
Police siren or whistle	15.00
Operator's or chauffeur's not on person	1.00
Driving wrong way on one-way street	5.00

Section 2. EFFECTIVE DATE. This ordinance is hereby declared to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health and safety, and shall become effective immediately upon publication.

Made and passed by the Village Council of the Village of Westwood, this 14th day of April, A.D. 1958.

MARVIN B. CLINE, President

ALICE M. SPENCER, Village Clerk

## ORDINANCE NO. 9

AN ORDINANCE REGULATING CONDUCT CONSTITUTING AN OFFENSE BY PERSONS IN THE VILLAGE OF WESTWOOD; PREVENTING VICE, DISORDER AND IMMORALITY; PROMOTING PUBLIC PEACE, SAFETY, AND HEALTH; PROTECTING PUBLIC MORALS; PROTECTING PUBLIC AND PRIVATE PROPERTY; AND PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS.

THE VILLAGE OF WESTWOOD ORDAINS:

Section 1. SHORT TITLE. This ordinance shall be known and may be cited as the "Offenses Ordinance of the Village of Westwood".

Section 2. DEFINITIONS. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Village" is the Village of Westwood.

(2) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

Section 3. OFFENSES AGAINST PUBLIC PEACE. No person in the Village shall:

- (1) **Disorderly Conduct.** Disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive or obnoxious conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.
- (2) **Assault.** Beat, strike, wound, imprison, or inflict violence on another where the circumstances show malice or assault another with intent to commit murder, rape, mayhem, robbery, or larceny. Nor shall any person assault another with a lethal weapon, instrument, or thing with intent to commit upon the person of another any bodily injury where no considerable provocation appears or where the circumstances of the assault show malice.
- (3) **Vagrancy.** Have the status or condition of a "vagrant." The following persons shall be deemed vagrants:
  - (a) No Lawful Means of Support. Any person having no lawful means of support realized solely from lawful occupations or sources; or any person who lives idly and without visible means of support.
  - (b) Loitering. Any person found loitering or strolling in, or about, or upon any street, alley, or public gathering or assembly, or in or around any store, shop, or business or commercial establishment, or on any private property or place without lawful business and conducting himself in a lewd, wanton or lascivious manner in speech or behavior.

(c) **Burglars' Tools.** Any person upon whose person or in whose possession shall be found any instrument, tool, or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or the violation of any ordinance, and who shall fail to account satisfactorily for the possession of same, shall be guilty of a crime.

(d) **Unlawful Occupancy.** Any person wandering abroad and occupying, lodging, or sleeping in any vacant or unoccupied, barn, garage, shed, shop, or other building or structure, or in any automobile, truck, or other vehicle, or in any other structure, without owning the same or without permission of the owner or person entitled to possession of the same, or sleeping in any vacant lot during the hours of darkness and not giving a satisfactory account of himself.

(e) **Begging.** Any person wandering abroad and begging; or any person who goes about from door to door of private homes or commercial and business establishments, or places himself in or about any public way or public place to beg or receive alms for himself.

(f) **Abroad at Unusual Hours.** Any person who wanders about the streets, alleys, or other public ways or places, or who is found abroad at late or unusual hours in the night without any visible or lawful business and not giving a satisfactory account of himself.

(g) **Illegal Association.** Any person who keeps, operates, frequents, lives in, or is employed in any house or other establishment of ill fame, or who (whether married or single) engages in or commits acts of fornication or perversion for hire.

(h) **Illegal Employment.** Any person who frequents or loafs, loiters, or idles in or around or is the occupant of or is employed in any gambling establishment or establishment where intoxicating liquor is sold without a license.

(i) **Fraudulent Schemes.** Any person who shall engage in any fraudulent scheme, device, or trick to obtain money or other valuable thing from others; or any person who aids or assists such trick, device or scheme.

(j) **Concealing Stolen Property.** Any person who keeps a place where lost or stolen property is concealed.

(k) **All persons who by the common law are vagrants, whether embraced in any of the foregoing classifications or not.**

(l) **Unlawful to Disturb Religious Worship.** Disquiet or disturb any congregation or assembly for religious worship by making a noise or by rude or indecent behavior, or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

Section 4. OFFENSES AGAINST PUBLIC SAFETY. No person in the City shall:

- (1) **Weapons.**
  - (a) **Carrying Concealed Weapons.** Wear under his clothes, or conceal about his person, or display in a threatening manner, any dangerous or deadly weapon including, but not by way of limitation, any pistol, revolver, sling shot, cross-knives, or knives, or any other metal, or any bowie knife, or any knife resembling a bowie knife, or any knife with a switchblade or device whereby the blade or blades can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance.
  - (b) **Possession of Dangerous or Deadly Weapons.** Have in his possession, except within his own domicile, or carry or use, a revolver or pistol of any description, or any rifle which may be used for the explosion of cartridges, or any air-gun, "B-B gun," gas operated gun or spring gun, or any instrument, toy or weapon commonly known as a "pea-shooter," "slingshot," or "beany," or any instrument made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.

(b-1) **Exception for Licensed and Other Specific Premises.** The prohibition of sub-section (b) above shall not apply to licensed shooting galleries or in private grounds or premises under circumstances when such instrument can be fired, discharged or operated in such a manner as not to endanger any person or property, and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or residence; and further provided, that nothing herein contained shall be construed to prevent the concealed carrying of any type of gun whatsoever when unloaded and properly cased, to or from any range or gallery or to or from an area where hunting is allowed by law.

(b-2) **Exception for Authorized Officials.** The prohibition of this sub-section shall not be construed to forbid United States marshals, sheriffs, constables, and their deputies, and any regular, special, or ex-officio police officer, or any other law enforcement officer from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties.

(c) **Forfeiture of Weapons.** Every person convicted of a violation of this sub-section shall forfeit to the Village such dangerous or deadly weapon so concealed or displayed.

(d) **Disposition of Confiscated Weapons.** Every Public Safety Officer, upon making any arrest and taking a weapon used in violation of this Ordinance, shall have the same turned over to the Justice of the Peace to be held by him until the final determination of the prosecution for said offense; and upon the finding of guilt, it shall then be the duty of said municipal judge to deliver such weapons to the Police Department of Public Safety who shall make disposition of the weapon.

(e) **Throwing of Missiles.** Throw any stone, snowball or any other missile upon or at any vehicle, building, tree, or other public or private property, or upon or at any person in any public or private way or place or enclosed or unenclosed ground.

(f) **Ballplaying.** Throw, kick, or knock any ball, or play ball in any other manner upon any public street, alley or sidewalk.

(g) **Bonfires.** Make or assist in making any bonfire in or upon any public street or place within the Village without the permission of the Department of Public Safety.

(h) **False Alarm of Fire or Need for Police or Ambulance.** Intentionally make, turn in, or cause a false alarm of fire, or of need for police or ambulance assistance, or aid or abet in the commission of such act.

(i) **False Report of Crime.** Make to, or file with, the Public Safety Department of the Village any

false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime occurring within the Village.

(10) **Interference with Public Safety Department.**

(a) **Resisting Officer.** Resist any public safety officer, any member of the Public Safety Department, or any person duly empowered with police authority, while in the discharge or apparent discharge of his duty, or in any way interfere with or hinder him in the discharge of his duty.

(b) **Assisting in Escape.** Offer or endeavor to assist any person in the custody of a public safety officer, a member of the Public Safety Department, or a person duly empowered with police authority, to escape or to attempt to escape from such custody.

(c) **Impersonating an Officer.** No person, other than an official public safety officer of the Village, shall wear or carry other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the public safety officers of the Village.

(11) **Hitchhiking.** Hitchhike, "thumb ride," or go upon the public streets and highways for the purpose of soliciting for transportation.

Section 5. Offenses Against Public Health.

(1) **Expectoration.** No person in the Village shall expectorate upon any sidewalk, street, floor in public buildings or upon any other public place.

Section 6. Offenses Against Property. No person in the Village shall:

(1) **Against Public and Private Property.**

- (a) **Injury or Removal.** Willfully, maliciously, wantonly, negligently or otherwise injure, deface, destroy or remove real property or improvement thereto, or moveable or personal property, belonging to the Village or to any person in the Village.

(b) **Scattering Rubbish.** Throw or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway, or upon any private property, any waste or other material of any kind.

(c) **Posting Notices.** Fasten in any way any show-card, poster, or other advertising device upon public or private property in the Village unless legally authorized to do so.

(2) **Against Public Property.**

(a) **Tampering.** Tamper with, injure, deface, destroy or remove any sign, notice, marker, fire alarm box, fire extinguisher, topographical survey monument or any other personal property erected or placed by the Village.

(b) **Obstructing Passageways.** Place or erect upon public way or passageway or any building an obstruction of any type, provided that this sub-section shall not prevent the duly authorized or required placing of temporary barriers or warning signs for the purpose of safeguarding the public.

(c) **Removal of Earth.** Move, disturb, or take any earth, stone or other material from any public street, alley, park or other public ground.

Section 7. Offenses Involving Morals. No person in the Village shall:

(1) **Vulgar Language.** Use vulgar, profane, or indecent language on any public street or other public place or in any public dance hall, club dance, skating rink, or place of business open to public patronage.

(2) **Indecent Exposure.** Publicly expose his person or make any indecent gestures.

(3) **Apparel of Opposite Sex.** Appear in public in the dress of the opposite sex.

(4) **Window-Peeping.** Look, peer, or peep into, or be found loitering around or within view of, any window not on his own property with the intent of watching or looking through said window.

(5) **Gambling.**

(a) **Participation Prohibited.** Engage in a game of chance prohibited by the Statutes of the State of Michigan or ordinances of this Village.

(b) **Possession of Materials.** In his possession or "beany," or any instrument made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.

(c) **Owner of Premises.** No person being the owner or person in control of premises shall knowingly permit the use or occupancy thereof for gambling.

(6) **Prostitution.**

(a) **Committing.** Commit or offer or agree to commit a lewd act or an act of prostitution or moral perversion.

(b) **Securing.** Secure or offer another for the purpose of committing a lewd act or an act of prostitution or moral perversion.

(c) **Frequenting.** Be in or near any place frequented by the public, or any public place, for the purpose of inducing, enticing, or procuring another to commit a lewd act or an act of prostitution or moral perversion.

(d) **Meretricious Display.** Make a meretricious display in or near any public place, any place frequented by the public, or any place open to the public view.

(e) **Transportation.** Knowingly transport any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion.

(f) **Permitting.** Knowingly receive, or offer to receive, or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or to knowingly permit any person to remain in any place or building for such purpose.

(g) **Directing.** Direct or offer to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion.

(h) **Adding.** Add, abet, allow, permit, or participate in the commission of any of the acts prohibited in sub-sections (a) through (g) above.

Section 8. Penalties. Any person who shall violate the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not exceeding One Hundred (\$100.00) Dollars, or imprisonment in the Oakland County Jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment in the discretion of the Court, together with the costs of prosecution.

Section 9. Validity-Severing Clause. Sections of this ordinance shall be deemed to be severable, and should any section or provision of this ordinance be declared by the Court to be unconstitutional or invalid, the same shall not affect the part or parts not declared to be unconstitutional or invalid.

Section 10. Effective Date. This ordinance shall take effect immediately upon its publication.

Made and passed by the Village Council of the Village of Westwood, this 14th day of April, A.D. 1958.

MARVIN B. CLINE, President

ALICE M. SPENCER, Village Clerk