

**CITY OF GROSSE POINTE PARK  
COUNTY OF WAYNE  
STATE OF MICHIGAN ORDINANCE**

**Ordinance No. 243**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GROSSE POINTE PARK BY REVISING AND AMENDING CHAPTER 22, ARTICLE I, BY ADDING MUNICIPAL CIVIL INFRACTION VIOLATION AND PENALTIES FOR BUSINESS REGULATIONS; AMENDING CHAPTER 34, ARTICLE II, SECTION 34-22, BY ADDING SOLID WASTE CONTAINER CONDITION REQUIREMENTS; AMENDING CHAPTER 28, ARTICLE III, BY ADDING THE OFFENSE OF CYBERBULLYING; AND AMENDING CHAPTER 40, ARTICLE I, BY ADOPTING A SECTION OF THE MICHIGAN INSURANCE CODE.**

**THE CITY OF GROSSE POINTE PARK ORDAINS:**

**Section 1.** Chapter 22 – Licenses, Permits and Miscellaneous Business Regulations, Article I – In General, of the Code of the City of Grosse Pointe Park, is amended to add Sec. 22-2. – Violations and Penalties, with Secs. 22-3—22-20. being Reserved:

**Sec. 22-2. – Violations and Penalties**

- (a) *Municipal civil infraction.* Unless specified otherwise, any person, firm, or corporation violating a provision of this chapter, upon an admission or a finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction as that term is defined and used in MCL 600.101 et seq., as amended, and shall pay a civil fine as prescribed below or as determined by the Municipal Court Judge. Each and every day the violation continues shall constitute a separate violation.
- (b) *Costs.* Any person, firm, or corporation ordered to pay a fine under Subsection (a) of this section shall be ordered by the Municipal Court Judge to pay costs of not less than \$9.00 or more than \$500.00 to the City for reimbursement of all expenses, direct or indirect, arising out of, and in connection with, the violation of the this chapter up to the entry of the court's judgment or order to pay fines and costs.
- (c) *Additional writs and orders.* Except as otherwise provided, a person who admits or is found responsible for violation of this chapter shall comply with any order, writ, or judgment issued by the Municipal Court to enforce this chapter pursuant to Chapters 83 and 87 of the revised judicature act, MCL 600.8301 et seq., and 600.8701 et seq., as amended.
- (d) *Defaults on payments of fines and costs.* A default in payment of a civil fine, costs, or damages, or expenses ordered under Subsection (a) or (b) of this section, or an installment of the fine, costs, or damages or expenses as allowed by the Court, may be collected by the City by a means authorized for the enforcement of a judgment under Chapter 40 or 60 of the revised judicature act, MCL 600.4001 et seq., or 600.6001 et seq., as amended.

- (e) *Failure to appear in court.* A defendant who fails to answer a citation or notice to appear in court for a violation of this chapter is guilty of a misdemeanor, punishable by a fine of not more than \$500.00 plus costs and/or imprisonment not to exceed 90 days.
- (f) *Lien against land, building, or structure.* If a defendant does not pay a civil fine or costs or an installment ordered under Subsection (a) or (b) of this section within 30 days after the date upon which the payment is due for a violation of this chapter involving the use or occupation of land or a building or other structure, the City may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the County Register of Deeds. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.
  - (1) The lien is effective immediately upon recording of the court order with the Register of Deeds.
  - (2) The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of the lien shall be sent by the City by first class mail to the owner of record of the land, building, or structure at the owner's last known address.
  - (3) The lien may be enforced and discharged by the City in the manner prescribed by its Charter, by the general property tax act, Public Act No. 206 of 1893, being MCL 211.1 et seq., or by an ordinance duly passed by the City. However, property is not subject to sale under Section 60 of Public Act No. 206 of 1893 (MCL 211.60), for nonpayment of a civil fine or costs or an installment ordered under Subsection (a) or (b) of this section unless the property is also subject to sale under MCL 211.1 et seq., as amended, for delinquent property taxes.
  - (4) A lien created under this section has priority over any other lien unless one or more of the following apply:
    - a. The other lien is a lien for taxes or special assessments.
    - b. The other lien is created before the effective date of the ordinance from which this chapter is derived.
    - c. Federal law provides the other lien has priority.
    - d. The other lien is recorded before the lien under this section is recorded.
  - (5) The City may institute an action in a court of competent jurisdiction for the collection of the fines and costs imposed by a court order for a violation of this chapter. However, an attempt by the City to collect the fines or costs does not invalidate or waive the lien upon the land, building, or structure.
  - (6) A lien provided for by this subsection (f) shall not continue for a period longer than five years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced.

**Section 2.** Chapter 34 – Solid Waste, Article II – Collection and Disposal, Sec. 34-22 of the Code of the City of Grosse Pointe Park, is amended to add subsection Sec. 34-22(4)(d), which shall now read:

- (1) *Storage of containers.*

- a. Containers shall be stored and placed in an enclosed accessory structure, garage or shed, in the primary structure, or in an approved container or facility for external storage. Containers not enclosed in an accessory structure or primary structure shall be stored to the rear or side of the primary structure, garage, or accessory structure as close to the structure as possible.
- b. Containers serving property on a public or private alleyway shall not be stored in the public or private alleyway and must be located inside the rear lot line of the property.
- c. Containers shall be stored in such a manner as to prevent water from falling on the container and entering it. The City or its contractor may decline to collect or empty any container filled or partially filled with ice or water.
- d. Containers must be:
  - i) Without holes, cracks, or other condition which would allow insects to penetrate the container;
  - ii) Placed in a manner that it will be free of rodents and insects, clean and neat, and erected in such a manner as to not allow the container to blow over and dump the refuse inside; and
  - iii) Shall not be kept in a condition that is a nuisance or hazard to the health, safety, or welfare of the inhabitants of the neighborhood.

**Section 3.** Chapter 28 – Offenses, Article III – Offenses Against the Person, Sec. 28-68 of the Code of the City of Grosse Pointe Park, currently Reserved, is amended to Cyberbullying:

**Sec. 28-68. Cyberbullying.**

- (a) A person shall be guilty of Cyberbullying if they engage in either of the following:
  - a. Post a message or statement in a public media forum about any other person if both of the following apply:
    - i. The message or statement is intended to place a person in fear of bodily harm or death and expresses an intent to commit violence against the person; and
    - ii. The message or statement is posted with the intent to communicate a threat or with knowledge that it will be viewed as a threat;
  - b. Post a message through the use of any medium of communication, including the internet or a computer, computer program, computer system, or computer network, or other electronic medium of communication, without the victim’s consent, if all of the following apply:
    - i. The person knows or has reason to know that posting the message could cause 2 or more separate noncontinuous acts of unconsented contact with the victim;
    - ii. Posting the message is intended to cause conduct that would make the victim feel terrorized, frightened, intimidated, threatened, harassed or molested;

- iii. Conduct arising from posing the message would cause a reasonable person to suffer emotional distress and to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(b) As used in this section:

- a. "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network.
- b. "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers.
- c. "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network.
- d. "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware.
- e. "Credible threat" means a threat to kill another individual or a threat to inflict physical injury upon another individual that is made in any manner or in any context that causes the individual hearing or receiving the threat to reasonably fear for his or her safety or the safety of another individual.
- f. "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses.
- g. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- h. "Internet" means that term as defined in section 230 of title II of the communications act of 1934, chapter 652, 110 Stat. 137, 47 U.S.C. 230.
- i. "Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating or attempting to transfer, send, post, publish, disseminate, or otherwise communicate information, whether truthful or untruthful, about the victim.
- j. "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes any of the following:
  - i. Contacting the victim by telephone.

- ii. Sending mail or electronic communications to the victim through the use of any medium, including the internet or a computer, computer program, computer system, or computer network.
  - k. "Victim" means the individual who is the target of the conduct elicited by the posted message or a member of that individual's immediate family.
- (c) All violations of this section shall be misdemeanors and, upon conviction thereof, shall be punishable by a sentence of not more than 90 days of confinement to jail or by a fine of not more than \$500.00, or both.

**State law reference** – Cyberbullying, MCL § 750.411x & Posing messages through electronic medium, MCL § 750.411s

**Section 4.** Chapter 40 – Traffic and Vehicles, Article I – In General, Sec. 40-06, of the Code of the City of Grosse Pointe Park, currently Reserved, is amended to Adoption of Section 3102 of the Michigan Insurance Code:

**Sec. 40-06. Adoption of Section 3102 of the Michigan Insurance Code.**

Section 3102 of the Michigan Insurance Code of 1956, 1956, Public Act 218, as amended, pertaining to required insurance is adopted by reference and shall be enforced as an ordinance in the City with the penalties for violating same being a misdemeanor, punishable by a sentence of not more than 90 days of confinement to jail, a fine of not less than \$200.00 nor more than \$500.00, or both.

**State law reference** – Nonresident owner or registrant of motor vehicle or motorcycle to maintain security for payment of benefits, MCL § 500.3102