

Chapter 14

ENVIRONMENT*

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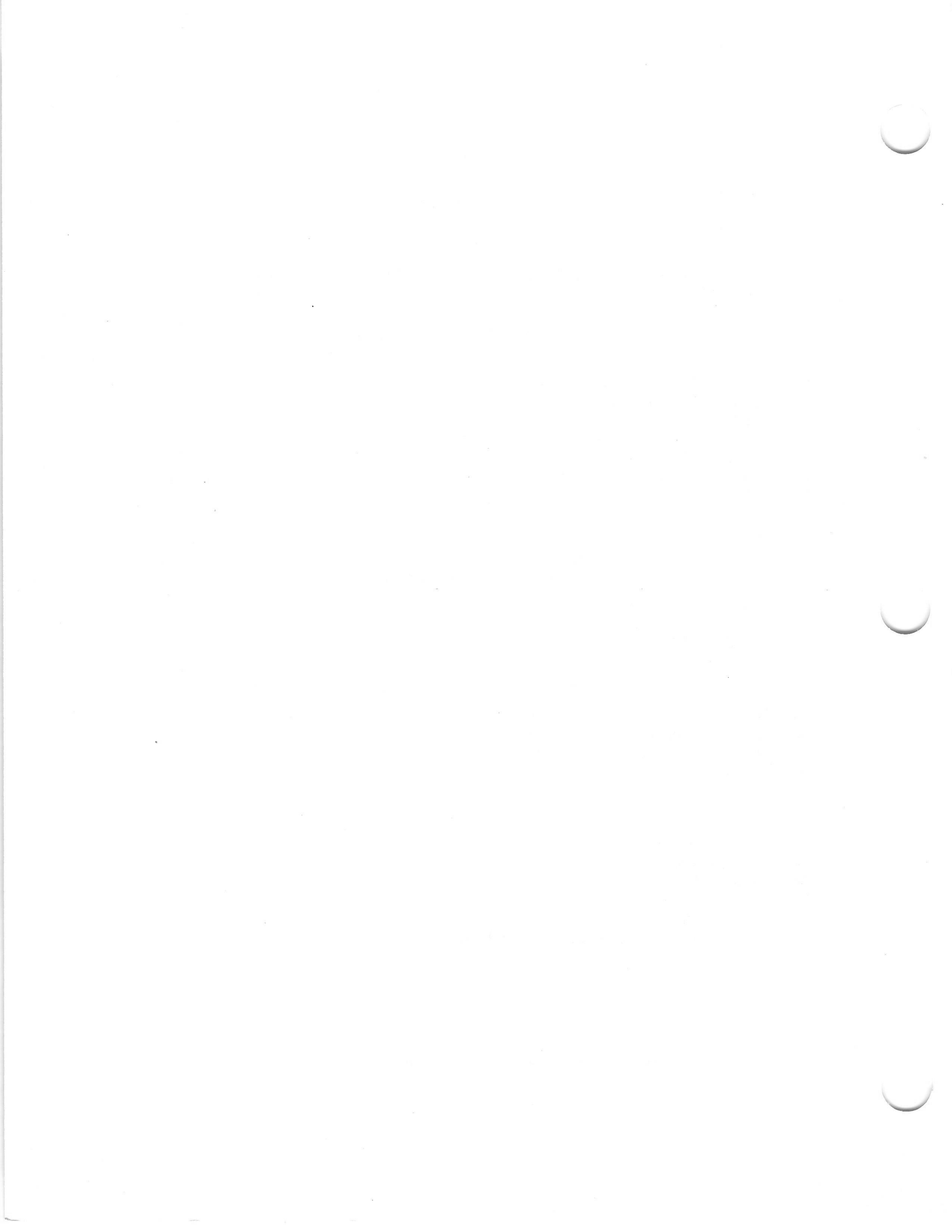
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*State law reference—Natural resources and environmental protection act, MCL 324.101 et seq.



ARTICLE I. IN GENERAL**Sec. 14-1. Deposit of ashes, garbage or other matter in streets and gutters.**

(a) It shall be unlawful for any person to deposit refuse or garbage in the public rights-of-way in the village.

(b) It shall be unlawful for any person to deposit ashes, leaves, sticks or twigs or other like matter in the gutters of village streets or alleys in such a manner as to cause an obstruction to the free passage of water therein. It shall also be unlawful for any person to deposit such ashes or other matter in any other part of the streets of the village except by permission of the street commissioner and then only as he may designate.

(c) Any person violating this section shall be responsible for a municipal civil infraction.

(Code 1988, §§ 1.029, 1.030)

Secs. 14-2—14-20. Reserved.**ARTICLE II. PUBLIC NUISANCES*****Sec. 14-21. Prohibited.**

No person owning, occupying or in control of any real property, public or private, within the village shall allow or permit a public nuisance to remain on a lot or parcel of land.

(Code 1988, § 2.101)

Sec. 14-22. Enumeration of nuisances.

The following are declared to be public nuisances:

- (1) Weeds which have obtained the height of 12 inches or that are in the seed-bearing state. For purposes of this subsection, the term "weed" includes, but is not limited to, vegetation which emits unpleasant, unhealthy or noxious odors or pollen, or any high growth of vegetation, including grasses, which might conceal rubbish, waste materials or trash or constitute a fire hazard. The term "weed" specifically includes, but is not limited to, Canada thistle, dodders (any species of cuscuta), mustards, wild carrot, bind weed, perennial sow thistle, hoary alyssum, ragweed, poison ivy, and poison sumac.
- (2) Any junk, garbage, debris, waste or other similar offensive or unsightly material.
- (3) Any dead trees or shrubbery.
- (4) Any materials which might constitute a nesting place for rats.

*State law reference—Public nuisances and abatement, MCL 600.3801 et seq.

- (5) Unused, inoperable or abandoned motor vehicles, or parts thereof, machinery or appliances.
 - (6) Any unfilled basements, excavations or holes that might be dangerous to children coming upon the property, unless fenced or protected in a manner approved by the village president or his duly authorized representative.
- (Code 1988, § 2.102)

Sec. 14-23. Investigations.

It shall be the duty of the village president or his duly authorized representative to enforce the provisions of this article and to make investigation of all complaints. For such purpose, the village president or his duly authorized representative shall have authority to enter upon the premises of any public or private land within the village at reasonable times and under reasonable conditions.

(Code 1988, § 2.103)

Sec. 14-24. Notice.

In the event the village president or his duly authorized representative shall determine that the owner, occupant or person in control of the real property is in violation of this article, the village president or his duly authorized representative shall notify, by certified mail, return receipt, the person listed as owner of the real property as shown in the office of the village treasurer or give personal notice to the owner, agent or occupant of the property to eradicate, abate or remove, by any appropriate method, the public nuisance. The failure to give such notice shall not constitute a defense in any action to enforce payment of any fine or debt created under this article.

(Code 1988, § 2.104)

Sec. 14-25. Failure to abate; action by village.

If, within ten days following receipt of the notice from the village, the owner or occupant of the property fails to abate the public nuisance, the village or its agent may enter upon the land and abate the public nuisance and all expenses incurred shall be paid by the owner of the property.

(Code 1988, § 2.105)

Sec. 14-26. Lien on property.

The village shall have a lien on the real property from which the public nuisance was removed until paid by the owner. If such amount has not been paid prior to the preparation of the next tax assessment roll, then such amount shall be assessed as a special tax against the property on the assessment roll and collected in all respects as other taxes under the general tax laws of the state.

(Code 1988, § 2.106)

Sec. 14-27. Additional remedies.

In addition to the right to a lien for any sums expended to abate the nuisance, the village shall have the right to sue the owner in a court of competent jurisdiction for the collection of the amount owed.

(Code 1988, § 2.107)

Sec. 14-28. Exceptions

(a) The provisions of section 14-22(1) and (3) shall not apply to any parcel larger than one acre if, for the first 25 feet from any adjacent property or roadway, the parcel complies with section 14-22(1) and (3).

(b) The provisions of section 14-22(1) and (3) shall not apply to any place designated as a park, preserve, or open space.

(Code 1988, § 2.108)

Sec. 14-29. Violation as a municipal civil infraction.

Any person violating this article shall be responsible for a municipal civil infraction.
(Code 1988, § 2.112)

Secs. 14-30—14-46. Reserved.**ARTICLE III. SANITATION****Sec. 14-47. Buildings to be used as dwellings.**

Tents, house trailers, automobile trailers and other mobile vehicles, whether on wheels or not, shall not be used for dwelling purposes within the village. Mobile house trailers or automobile trailers may be used for temporary occupancy for a period of not more than 14 days in any one year when there are located upon the premises where such structure is located running water and sewer facilities. The village council may, upon application, extend the period of occupancy for not more than one year when such occupancy is in connection with construction or remodeling of a dwelling.

(Code 1988, § 2.203)

Sec. 14-48. Violation as a municipal civil infraction.

Any person violating this article shall be responsible for a municipal civil infraction.
(Code 1988, § 2.204)

Secs. 14-49—14-69. Reserved.**ARTICLE IV. NOISE CONTROL*****Sec. 14-70. Excessive noise prohibited.**

No person shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the village.

*State law reference—Motor vehicle mufflers, MCL 257.707 et seq.

Sec. 14-71. Specific violations; exceptions.

(a) *Specific violations.* The following noises and disturbances are hereby declared to be a violation of this article; provided, however, that the specification of the violation is not thereby to be construed to exclude other violations of this article not specifically enumerated:

- (1) The playing of any radio, phonograph, television or other electronic or mechanical sound-producing device, including any musical instrument, in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
- (2) Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or at any time or other place so as to unreasonably upset or disturb the quiet, comfort or repose of any person in the vicinity.
- (3) The emission or creation of any excessive noise that unreasonably interferes with the operation of any school, church, hospital or court.
- (4) The keeping of any animal or bird which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity, such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
- (5) The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling or other unreasonable noise, including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain the motor vehicle or engine so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured, shall be a violation of this section.
- (6) The sounding of any horn or other device on any motor vehicle, unless necessary to operate such vehicle safely or as required by the state vehicle code, Public Act No. 300 of 1949 (MCL 257.1 et seq.).
- (7) While operating or in control of a parked or moving vehicle, including motorcycles and mopeds, the operation or permitting the operation of an electronically amplified sound system in or on the vehicle so as to produce sound that is plainly audible more than 50 feet from the vehicle, except when a specific permit is first granted by the village council. For the purposes of this subsection, the term "plainly audible" shall mean any sound that can be detected by a person using unaided hearing faculties.
- (8) The discharging, outside of any enclosed building, of the exhaust of any steam engine, internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other similar device which will effectively prevent loud or explosive noises.

- (9) The erection, excavation, demolition, alteration or repair of any building or premises in any part of the city, including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the building inspector, and such permit shall limit the periods that the activity may continue.
 - (10) The creation of loud or excessive noise, unreasonably disturbing to other persons in the vicinity, in connection with the operation, loading or unloading of any vehicle, trailer or other carrier, excluding railroad cars, or in connection with the repairing of any such vehicle in residential areas between the hours of 10:00 p.m. and 7:00 a.m.
 - (11) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
 - (12) The operation of any loudspeaker or other sound-amplifying device upon any vehicle on the streets of the village with the purpose of advertising, where such vehicle, speaker or sound-amplifying device emits loud, raucous noises easily heard from nearby adjoining residential property.
 - (13) The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person between the hours of 10:00 p.m. and 7:00 a.m.
 - (14) The operation of any racetrack, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the village where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any racetrack, proving ground, testing area or obstacle course operate after 11:00 p.m. on any evening.
- (b) *Exceptions.* None of the prohibitions enumerated in subsection (a) of this section shall apply to the following:
- (1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 - (2) Excavation or repair of bridges, streets, highways or other property by or on behalf of the village between sundown and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
 - (3) Warning devices emitting sound for warning purposes, as authorized by law.

Sec. 14-72. Violation as a municipal civil infraction.

Any person violating this article shall be responsible for a municipal civil infraction.

Secs. 14-73—14-102. Reserved.

ARTICLE V. BLIGHT

Sec. 14-103. Purpose.

The purpose of this article is to:

- (1) Provide for the regulation and control of the storage, accumulation and disposition of junk, trash, rubbish, abandoned vehicles, wrecked, dismantled or unusable vehicles and building materials;
- (2) Provide for the maintenance of blighted structures and other blighting factors or causes of blight and deterioration thereof;
- (3) Secure the public health, safety and welfare of the residents and property owners of the village, by the regulation of the outdoor parking and storage of motor vehicles, tractor trailer, mobile homes and new or used parts or junk therefrom, junk, trash, rubbish, building materials, blighted structures and other blighting factors within the village.

Sec. 14-104. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means and includes, without limitation, any vehicle which has remained on private property for a period of 48 continuous hours or more without the consent of the owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.

Blighted structure means and includes, without limitation, any dwelling, garage or outbuilding, or any factory, shop, store, office building, warehouse or any other structure or part of a structure which, because of fire, wind or other natural disaster or physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

Building material means and includes, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other material used in constructing any structure.

Junk means and includes, without limitation, parts of machinery or motor vehicles, broken and unusable furniture, stoves, refrigerators or other appliances, remnants of wood, metal or any other cast-off material of any kind, whether or not such cast-off material could be put to any reasonable use.

Person includes all natural persons, firms, copartnerships, corporations and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or by a servant, agent or employee. All persons who violate any of the

provisions of this article, whether as owner, occupant, lessee, agent, servant or employee, shall, except as otherwise provided in this article, be equally liable as principals.

Trash and *rubbish* mean any and all forms of debris not otherwise classified in this section.

Sec. 14-105. Regulations.

(a) No person shall park, store or place upon any public roadway, public property or upon any premises within the village any junk, junk motor vehicle, abandoned vehicle, used parts or junk therefrom, blighted structure, building materials or trash and rubbish unless it is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the village, except for the following:

- (1) Operable vehicles or trailers with substantially all main component parts attached, whether licensed or not.
- (2) Vehicles or trailers that are temporarily inoperable because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed 14 days.
- (3) Not more than one automobile, in full operating condition, which has been redesigned or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the automobile could be parked or stored.

(b) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way, public property or any property, except such as may be accomplished within a fully enclosed building; provided, however, that if no fully enclosed building is located on the premises, the repairing, redesigning, modifying or dismantling work or operations may be conducted on the premises for a period of time not to exceed one week. Repairing, redesigning, modifying or dismantling work or operations will not be permitted on any premises where the conduct of such work or operations would constitute a nuisance or annoyance to adjacent property owners or occupants and/or is in violation of any provision of chapter 36. Nothing contained in this subsection shall prohibit such occasional minor repair work as may infrequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition, provided such minor work can be completed within a 24-hour period.

(c) No unlicensed vehicle shall be parked or stored in the front yard area, except in the driveway.

(d) No recreational vehicle shall be parked or stored in the front yard area, including the driveway.

Sec. 14-106. Nuisance declared.

Any parking, storage, placement or operation in violation of the provisions of this article is hereby declared to be a public nuisance, which may be enjoined or may subject the violator to civil damages and the fines and penalties provided for violation of this article.

Sec. 14-107. Operation of certain licensed businesses.

This article shall not prevent the operation of any licensed junkyard, salvage yard, garage, or body or paint shop legally operating within a proper zone, and shall be in addition to any other laws or ordinances controlling or regulating rubbish, refuse, litter, trash or junk.

Sec. 14-108. Violation as a municipal civil infraction.

Any person violating this article shall be responsible for a municipal civil infraction.

Chapter 15
RESERVED

