

CHAPTER 656
Nuisances

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CROSS REFERENCES

Removal of snow and ice from sidewalks - see CHTR. Sec. 67.9
 Street regulations - see CHTR. Secs. 67.20 et seq.
 Nuisances generally - see M.C.L.A. Secs. 600.3801 et seq.
 Assessments for abatement - see ADM. 206.30
 Dogs running at large - see GEN. OFF. 610.02
 Disorderly conduct - see GEN. OFF. 666.01
 Obstruction of highways by trains - see GEN. OFF. 670.01

656.01 PUBLIC NUISANCE DEFINED.

(a) As used in this chapter, "public nuisance" means anything that annoys, injures or endangers the safety, health, comfort, convenience or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any public place, street, highway, navigable lake or stream; or in any way renders the public insecure in life or property.

(b) Public nuisances include, but are not limited to, whatever is prohibited by this chapter.

(Ord. A. Passed 10-15-57.)

656.02 PUBLIC NUISANCES PROHIBITED.

No person shall commit, create or maintain a public nuisance. A separate offense shall be deemed committed each day during or on which a public nuisance remains unabated.

(Ord. A. Passed 10-15-57.)

656.03 METHODS OF ENFORCEMENT.

The Chief of Police may, at his or her option, elect to enforce this chapter by one of the following methods or by any combination thereof:

- (a) He or she may prosecute the person committing, creating or maintaining the public nuisance for a violation of a provision of these Codified Ordinances.
- (b) He or she may cause the nuisance to be immediately abated, provided that the nuisance involves the public health or safety or injury to property.
- (c) He or she may give notice in the manner provided in Section 202.04 of Part Two - the Administration Code, ordering the nuisance to be abated.
(Ord. A. Passed 10-15-57.)

656.04 REFUSAL TO ABATE; ABATEMENT BY VILLAGE.

If the owner, possessor or occupier, or any person having charge, of any property subject to an order of abatement of a nuisance by Council or the Chief of Police, fails or refuses to comply with the abatement notice, the Chief shall take the necessary steps to abate and remove such nuisance after the date prescribed in such notice.

(Ord. A. Passed 10-15-57.)

656.05 RECOVERY OF ABATEMENT EXPENSE.

(a) The cost of abatement by the Village of a nuisance may be collected in an action at law from the owner, occupier or possessor of the property upon which the nuisance was committed, created or maintained.

(b) In all cases where the Village incurs any expense for draining, filling, cleaning or purifying a lot, place or premises, or for removing an unsafe building or structure, or for removing or abating a nuisance found upon a lot or premises, Council, in addition to all other remedies provided for the recovery of such expense, may charge the same or such part thereof as it deems proper, upon the lot or premises upon or on account of which such expenses were incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

(Ord. A. Passed 10-15-57.)

656.06 DANGEROUS STRUCTURES.

(a) No person shall maintain a structure which is unsafe or which is a menace to the health, morals or safety of the public.

(b) Council may condemn any such structure, after investigation, by giving notice to the owner, occupier or possessor of the land upon which the structure is located in the manner provided in Section 202.04 of Part Two - the Administration Code, specifying in what respects such structure is a public nuisance and requiring such owner to alter, repair, tear down or remove the same within five days after the service of such notice.

(c) If, at the expiration of the time limit of such notice, the owner has not complied with the requirements thereof, the Chief of Police shall carry out such requirements.

(d) The Chief of Police may abate any such public nuisance without a preliminary order of Council if the public safety requires immediate action.
(Ord. A. Passed 10-15-57.)

656.07 GARBAGE AND RUBBISH; ABANDONED REFRIGERATORS/ FREEZERS.

(a) Disposal. No person shall dispose of any rubbish, refuse, waste or other such material except at dumps which have been approved and are supervised by the County Health Officer and which are clearly marked for such purpose, provided that garbage shall not be permitted in any dump in the Village.

(Ord. 62. Passed 6-25-90.)

(b) Littering. Except as otherwise provided in this section, no person shall dump, abandon, throw or scatter any rubbish, refuse or waste, or transport the same, in such a manner as to cause the littering of any street, alley or public place, or of any private property not his or her own, or to cause the obstruction of a ditch, drain or gutter.

(c) Harming Public Health and Welfare. No person shall allow any rubbish, refuse, junk (including junk cars or trucks) or waste to collect or lie on the property which he or she owns, occupies or controls in such a manner that it attracts, annoys or interferes with the safety, health, comfort or repose of the public, or omits odors, is unsightly or is offensive.
(Ord. A. Passed 10-15-57.)

(d) Abandoned Refrigerators and/or Freezers. No person shall leave outside of any building or dwelling or in any unlocked building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other box or container having a capacity of over one and one-half cubic feet, without first removing any locking device and the doors from such ice box, refrigerator/freezer or other container.

(Ord. 81. Passed 9-23-96.)

656.075 OPEN BURNING.

(a) Open burning is hereby prohibited, except that the following exemptions may be allowed, provided they do not violate any other sections of these codified ordinances.

(1) Fires are permitted for the cooking of food provided that such fires are confined to a barbecue grill, barbecue pit, electric or gas grill, (in a container, utensil, device or camp fire pit designed and intended for outdoor cooking) or other enclosure and provided further that the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others living in the neighborhood.

(2) The use of approved gaseous or liquid fired salamanders commonly used in conjunction with building and construction operations when being used in accordance with accepted safety standards.

- (3) Roofers, tanners, plumbers or others pursuing a business requiring the use of fire or for the purpose of boiling tar, pitch or oil used in the regular course of an appropriate business or trade, and while being used in a safe and sanitary manner.
- (4) Upon approval of the Fire Chief, open fires may be set in the performances of an official duty of any public officer if the fire is necessary for one or more of the following reasons or purposes:
 - A. For the prevention of a fire hazard which cannot be abated by other means.
 - B. For the instruction of public fire fighters or industrial or commercial employees under proper supervision of a qualified instructor. Such a program shall be presented to the Village Manager and Chief of Police for approval at least forty-eight hours prior to the instruction program.
 - C. For the protection of public health.
- (5) Recreational fires on private property are permitted when in a pit or a pile which does not exceed three feet in diameter and height providing the following conditions are met:
 - A. Fires are attended under the direct, constant supervision and control of a responsible adult eighteen years of age or older. Fires must be attended until extinguished and the ashes are doused with water and are cold.
 - B. Only trees, branches, kindling, wood chips, compressed wood products or commercially produced fuel products are burned.
 - C. The fire does not endanger any buildings or structures.
 - D. Atmospheric conditions are favorable and do not present a danger.
 - E. Prohibit emission of smoke or fumes which irritate, annoy, or constitute a nuisance to others living in the neighborhood.
 - F. The fire pit or pile must be in a designated area and be bordered by rocks, a large metal frame or be in a manufactured metal container, screen or crock fire containment utensil.
- (6) All fires on public property are prohibited except for fires for preparing food in barbecue grills, electric grills, gas grills or in a manufactured container made expressly for outdoor cooking.

(b) The Village Council may develop alternative means of disposal of commonly burned material such as leaves, grass cuttings, and arboreal debris.
(Ord. 62. Passed 6-25-90; Ord. 143. Passed 10-26-04.)

656.08 SMOKE.

No person who is responsible therefor shall permit the omission, from a chimney or smokestack, of dense smoke or smoke containing soot or other substance in sufficient quantity to noticeably permit the deposit of soot or other substance in the Village. The omission of such smoke or other substance is hereby declared to be a public nuisance.
(Ord. A. Passed 10-15-57.)

656.09 BARBED WIRE; OBSTRUCTION OF STREET RIGHTS OF WAY.

(a) No person shall place or maintain any barbed wire fencing or any strand of barbed wire along the line of, or in, any public street, alley or public place in the Village. No person shall place or allow such barbed wire to remain between any premises owned or occupied by him or her and the adjoining premises, or place or allow to remain any barbed wire fencing or barbed wire in the Village in any place where it will expose a person to injury on account thereof, provided that it shall not be unlawful to place such barbed wire at the top of a legal fence when placed not less than six feet from the ground.

(b) No person shall place or maintain a fence, tree, shrub or other obstacle in any portion of the highway or street right of way except by permission of the Chief of Police.
(Ord. A. Passed 10-15-57.)

656.10 WEEDS, TREES AND OTHER VEGETATION.

(a) No person who is the owner, possessor or occupier of lands in the Village shall fail to cut down all noxious weeds, including, but not limited to, ragweed, Canadian thistles, milkweed, wild carrot, oxeye daisies, poison ivy, dodders, mustards, bindweed, perennial saw thistles or hoary alyssum, growing thereon. These weeds and other vegetation, including lawn grass, shall be cut a minimum of three times each year: once by June 15, again by July 15 and again by August 15; or when the height reaches eight inches.

(Ord. 81. Passed 9-23-96.)

(b) Any tree, shrub, plant or weed which endangers public property or the health or safety of the public is hereby declared to be a public nuisance. The Chief of Police shall give notice to the owner or occupier of the premises, upon which such nuisance is located, to remove, trim or dispose of the same within five days after the service of such notice, which notice shall be given in accordance with Section 202.04 of Part Two - the Administration Code.

(c) If, at the expiration of the time limit in such notice, the owner or occupier has not complied with the requirements of such notice, the Chief of Police shall carry out such requirements and the cost thereof shall be collected as provided in Section 656.05.

(Ord. A. Passed 10-15-57.)

656.11 SPITTING.

No person shall expectorate or spit on a street or sidewalk or in any other public place, or on the floor or wall of any place of public assemblage, except in a receptacle provided for that purpose.
(Ord. A. Passed 10-15-57.)

656.12 JUNK VEHICLES ON PRIVATE PROPERTY.

(a) Unless otherwise permitted, no person, whether he or she is the owner, attendant or manager of private property, or whether he or she is the last registered owner of the vehicle or the transferee on a bill of sale covering the vehicle, shall store or permit the storage for more than ten

days, on such private property, of one or more motor vehicles which are not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code, being Act 300 of the Public Acts of 1949, as amended, which requirements include, but are not limited to, an engine that runs, four wheels, four pneumatic tires capable of holding air, a current license plate and a working battery.

(b) Any person enumerated in this section may, because of special conditions of hardship, or for another valid reason, such as the preservation of a historic or classic vehicle, request an extension of the ten-day limitation referred to above by filling a timely request with Council. Council may, at its discretion, after a review of all the circumstances and after holding a hearing or hearings as it deems necessary, grant such applicant any reasonable extension of time.

(Ord. 81. Passed 9-23-96; Ord. 141. Passed 8-24-04.)

656.13 PUBLIC NUDITY.

(a) Definitions. As used in this section:

- (1) "Public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or any female individual's breast with less than a fully opaque covering of the nipple and areola.
- (2) "Public place" means any premises within the Village used or controlled in whole or in part for the purpose of displaying an individual's genitals, anus, or female breast for payment or promise of payment, and which is open to the general public as a business, club or association.

(b) Encouraging or Promoting Nudity. No person, corporation, business, club or association shall knowingly or intentionally cause, promote, invite, employ or encourage any person to knowingly or intentionally display in a public place for payment or promise of payment his or her genitals or anus with less than a fully opaque covering, or her female breast with less than fully opaque covering of the nipple and areola.

(c) General Prohibition. No person shall knowingly or intentionally display his or her genitals or anus in a public place for payment or promise of payment with less than a fully opaque covering.

(d) Display of Female Breast; Exception for Breast-Feeding. No female shall knowingly or intentionally display her breast in a public place for payment or promise of payment with less than a fully opaque covering of the nipple and areola. A woman's breast-feeding of a baby does not under any circumstances constitute public nudity within the meaning of this section, and a woman's breast-feeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding, is under no circumstances prohibited by this section.

(e) Public Nuisance. Any premises, building, dwelling or other structure in which public nudity is offered, promoted, allowed or encouraged shall constitute a public nuisance, and shall be subject to civil abatement proceedings initiated by the Village before the Circuit Court.

(Ord. 86. Passed 4-28-97.)

656.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever violates any of the provisions of Sections 656.07, 656.075 or 656.09 to 656.12 is responsible for a Municipal civil infraction and shall be subject to the civil fines set forth in Chapter 208. (Ord. 102. Passed 3-22-99.)

CHAPTER 660
Offenses Relating to Persons

660.01 Minors in pool rooms. 660.99 Penalty.

CROSS REFERENCES

Purchase or sale of alcoholic beverages by or to minors - see
GEN. OFF. 606.04
Public card games prohibited - see GEN. OFF. 624.01
Spitting - see GEN. OFF. 656.11
Billiard and pool rooms - see B. R. & T. Ch. 808

660.01 MINORS IN POOL ROOMS.

No person operating or maintaining any commercial establishment wherein billiard or pool tables are kept shall permit any minor child under the age of eighteen years to enter such establishment.

(Ord. A. Passed 10-15-57.)

660.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)