

Chapter 9

NUISANCES*

Sec. 9.1. Definitions.

For the purpose of this chapter, the word "nuisance" is defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, commission, condition or thing either:

- (1) Injures or endangers the comfort, repose, health or safety of others;
- (2) Offends decency;
- (3) Is offensive to the senses;
- (4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- (5) In any way renders other persons insecure in life or the use of property;
- (6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

Sec. 9.2. Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Noxious weeds and other rank vegetation;
- (2) The storage upon any property of building materials unless there is in force a valid building permit issued by the village for construction upon the property and the building materials are intended for use in connection with the construction; building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in constructing any structure (all unused building materials shall be removed from the premises by the

* **Cross references**-Buildings and building regulations, Ch. 4; offenses generally, Ch. 10; peddlers and solicitors, Ch. 11; water and sewers, Ch. 17; weeds, § 16-46 et seq.

State law references-Air Pollution Act, MCL 336.11 et seq., MSA 14.58(1) et seq.; Environmental Protection Act, MCL 691.1201 et seq., MSA 14.528(201) et seq.

contractor prior to issuance of any occupancy permit or final acceptance of the building inspector);

- (3) The storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance; the term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other castoff material of any kind whether or not the same could be put to any reasonable use;
- (4) The storage on any property of junk vehicles except in a completely enclosed building; for the purpose of this chapter the term "junk vehicle" shall include any motor vehicle which is inoperative for any reason such as being in a state of disassembly, disrepair, stripped, dismantled, unregistered or unlicensed;
- (5) The existence of any structure or damaged partial structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable if a dwelling, nor useful of any other purpose for which it may have been intended;
- (6) The existence of any vacant building, garage or other outbuilding unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals;
- (7) The existence of any incomplete structures unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the village and unless such construction is completed within a reasonable time;
- (8) Any condition which provides harborage for rats, mice, snakes and other vermin;
- (9) All unnecessary or unauthorized noises and annoying vibrations, including animal noises;
- (10) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches;
- (11) The carcasses of animals or fowl not disposed of within a reasonable time after death;

- (12) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances;
- (13) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained;
- (14) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;
- (15) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.

Sec. 9.3. Municipal civil infraction.

A person who violates any provision of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided by section 1-9(c)(2) of this Code.
(Ord. No. 62, § 4, 8-12-96)

Sec. 9.4. Notice to abate.

Whenever a nuisance is found to exist within the village, the chief of police shall give ten (10) days' written notice to the owner or occupant of the property upon which the nuisance exists or to the person causing or maintaining the nuisance.

Sec. 9.5. Contents of notice.

The notice to abate a nuisance issued under the provisions of this chapter shall contain:

- (1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances;
- (2) The location of the nuisance, if the same is stationary;
- (3) A description of what constitutes the nuisance;
- (4) A statement of acts necessary to abate the nuisance;
- (5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the city will abate such nuisance and assess the cost thereof against such person.

Sec. 9.6. Service of notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

Sec. 9.7. Abatement by village upon failure of owner.

Upon failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, the chief of police shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

Sec. 9.8. Emergency abatement.

When in the opinion of the chief of police there is actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the chief of police is hereby authorized and empowered, without any notice or hearing, to order and require such premises to be vacated. The chief of police shall immediately post the premises, warning of the dangerous condition, and shall then abate such nuisance and prepare a statement of costs incurred in the abatement thereof.

Sec. 9-9. Recovery of abatement costs.

Any and all cost incurred by the village in the abatement of a nuisance under the provisions of this chapter shall constitute a lien against the property upon which the nuisance existed, which costs shall be collected as ad valorem taxes.