

CHAPTER 674
Public Nuisances

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CROSS REFERENCES

Health and sanitation generally - see Mich. Const. Art. 4, §51; M.C.L.A. §§325.1 et seq., 327.1 et seq., 750.466 et seq.

State Housing Law - see M.C.L.A. §§125.401 et seq.

Nuisance abatement; damages and expenses - see M.C.L.A. §600.2940

Nuisances generally - see M.C.L.A. §§600.3801 et seq.

Peace disturbances - see GEN. OFF. Ch. 672

Vehicle and trailer parking or storage - see GEN. OFF. 692.04

Garbage and rubbish - see S.U. & P.S. Ch. 1060

674.01 PURPOSES.

Consistent with the letter and spirit of the provisions of M.S.A. 5.2073(j) and (k) and M.C.L.A. 117.3, as amended, which authorize and direct home rule cities to enact ordinances and to provide for the public peace and health, and for the safety of persons and property, the purposes of this chapter are to prevent, reduce or eliminate nuisances, nuisance factors or causes of nuisance within the City, thereby providing for the public peace and health and for the safety of persons and property within said City; to provide for the enforcement of this chapter; to provide a means by which such nuisances, nuisance factors or causes of nuisance may be abated; and to provide penalties for the violation of this chapter.

674.02 DEFINITIONS.

As used in this chapter:

- (a) "Garbage" means rejected food waste, including waste accumulation of animal, fruit or vegetable matter used or intended for food or which attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- (b) "Junk" means and include, but is not limited to, parts of machinery, inoperable appliances, scrap metal or other cast off material of any kind, whether or not the same could be put to any reasonable use.
- (c) "Miscellaneous debris" means those things or conditions existing on property in the City which create hazards to the public and to children from a health or fire standpoint, including conditions which by their unsightly appearance can result in depressing the values of other property in the immediate area.
- (d) "Noxious and poisonous weeds" shall include Canada thistles, milkweed, wild carrots, ox-eye daisies, ragweed, goldenrod, burdock and poison ivy.
- (e) "Nuisance" means a condition or situation which is likely to injure or endanger the public peace or the health or safety of persons and property, interfere with, obstruct or render dangerous any street, highway, navigable lake or stream, or in any way render the public insecure in life or property, including, but not limited to, whatever is prohibited by any provision of this chapter.
- (f) "Person" means and includes one or more individuals of either sex, firms, partnerships, associations, unincorporated voluntary clubs and corporations.
- (g) "Rubbish" means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials or litter of any kind that may be a detriment to the public health and safety.

674.03 NUISANCE PROHIBITED.

No person shall maintain or permit to be maintained any nuisance, nuisance factor or cause of nuisance upon any property in the City which is either owned, leased, rented, occupied or otherwise under the control of such person.

674.04 SPECIFIC NUISANCES.

The following uses, structures and activities are hereby specifically deemed to be nuisances, nuisance factors or causes of nuisance and are hereby prohibited:

- (a) Junk, Garbage, Rubbish or Miscellaneous Debris. In any zoning district, the storage or accumulation of junk, garbage, rubbish or miscellaneous debris of any kind, without a landfill construction or operation permit, except for:

- (1) The storage or accumulation of domestic garbage, rubbish, junk or miscellaneous debris in such a manner as not to create a health or safety hazard; and
 - (2) The maintenance for noncommercial purposes of a compost pile in such a manner as not to create a health or safety hazard.
- (b) Damaged or Deteriorated Structures. In any zoning district, the existence of any structure or part of any structure which has any of the following defects or is in any one of the following conditions:
- (1) Whenever any portion of such structure has been damaged by fire, wind, flood or other cause in such a manner that the structural strength or stability has been adversely affected to the extent that the structure or any part or parts thereof are likely to fall, to become detached, to become dislodged or to collapse and thereby result in injury or damage to persons or property;
 - (2) Whenever the structure or any part thereof, because of dilapidation, deterioration, decay or faulty construction, or because of the removal or movement of some portion of the ground necessary for the support of such structure or portion thereof, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of such structure is likely to fall or give way; and/or
 - (3) Whenever such structure becomes vacant, dilapidated and open at a door or window, leaving the interior of said structure exposed to the elements or accessible to entrance by trespassers.
- (c) Noxious and Poisonous Weeds. In any residential zoning district, the growth and existence of noxious or poisonous weeds which have grown to a height of two inches or more above ground.

674.05 ENFORCEMENT; NOTICE OF VIOLATION.

(a) This chapter shall be enforced by the City Manager and by the Police Department of the City.

(b) Upon identifying a nuisance, nuisance factor or cause of nuisance upon any property in the City, the enforcement officers shall contact the owner or occupant of the property in writing by first-class mail or by personal service to require abatement of the nuisance. A reasonable period of time within which the nuisance must be abated shall be specified by the enforcement officer in the written notice. Additional time may be granted when, in the opinion of the enforcement officer, bona fide efforts to remove the nuisance are in progress.

(c) For the purposes of this section, the owner of any property upon which any nuisance, nuisance factor or cause of nuisance is found shall be deemed to be the person identified as any such owner on the tax roll of the City, and where there may be more than one such owner or more than one occupant, notice to any one owner or any one occupant shall be deemed to be notice to all such owners and occupants.

674.06 ABATEMENT; AUTHORITY OF CITY MANAGER AND COUNCIL.

The City Manager may take immediate reasonable measures to abate any nuisance, nuisance factor or cause of nuisance, without prior approval or order of Council, if, in the opinion of the City Manager, the public health or safety requires immediate action. The cost of such abatement measures shall be charged against the property and the owner thereof in accordance with the provisions of this chapter. In circumstances where the public health or safety does not require immediate action, the City Manager may take reasonable measures to abate any nuisance, nuisance factor or cause of nuisance after prior approval or order of Council.

674.07 COST OF ABATEMENT.

(a) Any expense incurred by the City for the purpose of abating a nuisance, nuisance factor or cause of nuisance, pursuant to the provisions of this chapter, shall be chargeable against the property upon which such nuisance, nuisance factor or cause of nuisance was located, and against the owner or owners thereof. An account of the labor, materials or services for which such expenses were incurred, and the name of the owner or owners of such property, shall be reported to the City Treasurer, who shall immediately charge and bill such costs to such owner or owners. Such bill shall be sent by first-class mail to any owner of the property shown on the tax rolls of the City.

(b) Said bill shall also notify the owner of such property of the date of a meeting of Council, not less than sixty days thereafter, when Council shall meet for the purpose of adopting a resolution placing a special assessment upon said property for such charges, unless such charges are paid prior to the date of such meeting. At such meeting, Council shall adopt a special assessment resolution covering each parcel of land for which such charges have not theretofore been paid in full. As many parcels may be included in a single resolution as may be necessary. The adoption of such a resolution shall be deemed the equivalent of the confirmation of a special assessment roll by Council, and the City Clerk shall endorse the date of confirmation upon each special assessment resolution. Each special assessment shall, upon such confirmation, be final and conclusive.

674.08 ATTACHMENT OF LIEN.

Each special assessment confirmed pursuant to the provisions of this chapter shall, from the date of such confirmation, constitute a lien upon the property so assessed, and until paid shall be a charge against the owner of the property. Such lien shall be of the same character and effect as a lien created for taxes, and shall include accrued interest and penalties.

674.09 COLLECTION BY COURT ACTION.

In addition to any other remedies and without impairing the lien therefor, any assessment levied pursuant to the provisions of this chapter, together with interest and penalties thereon, may be collected in an action commenced in the name of the City, against the person or persons assessed, in any court having jurisdiction in such matters. If, in any such action, it shall appear, by reason of any irregularities or informalities, that the assessment has not been properly made against the person assessed, or upon the premises sought to be charged, the Court may, nevertheless, on satisfactory proof that such expense has been reasonably incurred by the City, render judgment for the amount properly chargeable against such person or persons or upon such property.

The remedy provided in this section and in Sections 674.07 and 674.08 shall be in addition to the penalty provided in Section 674.99.

674.10 DISPOSITION OF FUNDS COLLECTED.

Except as otherwise provided by any ordinance, funds collected by the Court action or by special assessment levied pursuant to the provisions of this chapter shall be credited to such funds of the City as were debited to pay for the costs of the abatement for which such assessment was levied.

674.11 VIOLATIONS.

(a) No person shall fail to abate any nuisance, nuisance factor or cause of nuisance within the period of time provided for such abatement by the written notice described in Section 674.05(b) or within any extension of said deadline.

(b) Any violation of this chapter is hereby declared to be a public nuisance per se, and in addition to the penalties specified in Section 674.99 for such violation, the City may seek to enforce compliance with the provisions of this chapter by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulation or civil or criminal law.

(c) A separate offense shall be deemed committed each day during or on which a violation of this chapter occurs or continues.

General Offenses Code

674.99 PENALTY.

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