

CHAPTER 660

Public Nuisances

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CROSS REFERENCES

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

State Housing Law - see M.C.L.A. Secs. 125.401 et seq.; B. & H. Ch. 1484

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

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

Animal defecation - see GEN. OFF. 610.04

Garbage and rubbish on public property - see GEN. OFF. 668.03

Sewers as nuisances - see S.U. & P.S. 1042.14

Zoning Code violations as nuisances - see P. & Z. 1252.05

660.01 PUBLIC NUISANCE DEFINED.

"Public nuisance," as used in this chapter, means a thing, act, occupation, condition or use of property which continues for such a length of time as to:

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (b) In any way render the public insecure in life or in the use of property;
- (c) Greatly offend the public morals or decency; or
- (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

(1976 Code Sec. 6.111)

660.02 GENERAL PROHIBITIONS.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance in the City or within its police jurisdiction.

(1976 Code Sec. 6.10)

660.03 PUBLIC HEALTH NUISANCES.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 660.01:

- (a) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- (b) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed, or which may constitute a fire hazard;
- (c) All stagnant water in which mosquitoes, flies or other insects can multiply;

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- (d) Garbage cans which are not fly-tight;
- (e) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust in the City in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;
- (f) The pollution of any public well or cistern, stream, river, lake, canal or body of water by sewage, creamery or industrial wastes or other substances, or the obstruction of any watercourse, drainage ditch or ravine;
- (g) Any use of any property, substance or thing in the City emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odor, effluvia or stench extremely repulsive to the physical senses of ordinary persons and which annoys, discomforts, injures or inconveniences the health of any appreciable number of persons in the City; and
- (h) All abandoned wells not securely covered or secured from public use.

660.04 MORALS AND DECENCY NUISANCES.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 660.01:

- (a) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling;
- (b) All gambling devices and slot machines;
- (c) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by these Codified Ordinances or State law;
- (d) Any place or premises in the City where City ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated; and
- (e) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State or the ordinances of the City.

(1976 Code Sec. 6.113)

660.05 PEACE AND SAFETY NUISANCES.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 660.01:

- (a) All unauthorized signs, signals, markings or devices which purport to be or which may be mistaken as official traffic control devices, placed or maintained upon or in view of any public highway or railway crossing;
- (b) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
- (c) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use, or as to be an invitation to children and endanger the lives of such children, or which, because of their condition, have become a fire hazard;

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- (d) All wires over streets, alleys or public grounds which are strung less than fifteen feet above the surface of the street or ground;
- (e) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the City, or obstructions which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;
- (f) Any structure, material or condition which constitutes a fire hazard or which will impair extinguishing a fire;
- (g) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk, which use causes large crowds of people to gather, obstructing traffic and free use of the street or sidewalk; and
- (h) Any nuisance described in the Michigan Compiled Laws.

660.06 ABATEMENT.

- (a) Inspection of Premises. Whenever a complaint is made that a public nuisance exists or has existed in the City, the Chief of Police, the Building Inspector or some other City official whom the City Manager designates, or a representative of any of such persons, shall forthwith inspect or cause to be inspected the premises and shall make a written report of findings. Whenever practical, the inspection officer shall cause photographs to be made of the premises and shall file the same in the office of the City Clerk.
- (b) Summary Abatement.
 - 1) Notice to owner. If the inspecting officer determines that a public nuisance exists on private property and that there is great and immediate danger or emergency to the public health, safety, peace, morals or decency, the City Manager may direct that a notice be served on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance, and that a copy of the notice be posted on the premises. If one or more of the owner, occupant or person responsible for the nuisance condition cannot be found, the notice shall be published once in a local newspaper. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within a definite time and shall state that unless such nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be. By recording the amount of such costs in the City Manager's office, it shall become a lien on the real estate. Whenever possible, except for emergency conditions, the owner, occupant or person causing the nuisance shall be given notice to abate such nuisance within five days.
 - 2) Abatement by City. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Chief of Police, the Building Inspector or some other City official whom the City Manager designates, or a representative of any of such persons, shall cause the abatement or removal of such nuisance. (Adopting Ordinance)
- (c) Abatement by Court Action. If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, such officer shall file a written report of findings with the City Manager, who shall cause an action to abate such nuisance to be commenced in the name of the City upon motion or resolution by the City Commission declaring a nuisance to exist.

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(d) Costs; Liens. In addition to any other penalty imposed for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes. By recording the amount of such costs in the City Treasurer's office, it shall become a lien on the real estate.

(1976 Code Sec. 6.12)