

CHAPTER 656
Nuisances

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CROSS REFERENCES

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

Animal nuisances - see GEN. OFF. 604.05

Littering - see GEN. OFF. 664.02; B.R. & T. 868.04

Vegetation nuisances - see GEN. OFF. 696.03 et seq.

Sewer nuisances - see S.U. & P.S. 1046.13(d)(4)

Garbage and rubbish collection and disposal - see S.U. & P.S. 1060.12

656.01 DEFINITIONS.

The following words or terms when used in this chapter shall be deemed to have the meaning set forth below:

- (a) "Abandoned vehicle" means and shall include, without limitation, any vehicle which has remained on private property for a period of forty-eight continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of forty-eight continuous hours, or more, after the consent of the owner or occupant has been revoked.
- (b) "Blighted structure" means and shall include, without limitation, any dwelling, garage, or outbuilding, or any factory, shop, store, 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.

- (c) "Building materials" means and shall include, without limitation, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, or cement, nails, screws, or any other materials used in constructing a structure.
- (d) "Junk" means and shall include, without limitation, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators or other appliances, remnants of wood, metal or any other cast off material of any kind, whether or not the same could be put to any reasonable use.
- (e) "Junk automobiles" means and shall include, without limitation, any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of sixty days, and shall also include, whether licensed or not, any motor vehicle which is inoperable for any reason for a period in excess of sixty days, provided that there is excepted from this definition unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.
- (f) "Person" means and shall include all natural persons, firms, co-partnerships, corporations and all associates 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 chapter, whether as an owner, occupant, lessee, agent, servant or employee, shall, except as is herein otherwise provided, be equally liable as principals.
- (g) "Public nuisance" means whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property. Public nuisances are hereby prohibited and shall include, but not be limited to, whatever is forbidden by any provision of this chapter.
- (h) "Trash" and "rubbish" means and shall include any and all forms of debris not herein otherwise classified.
(Ord. 80-1a. Passed 5-12-80; Ord. 80-1b. Passed 5-12-80.)

656.02 NUISANCES PROHIBITED.

No person shall commit, create, or maintain any nuisance.

(Ord. 80-1a. Passed 5-12-80.)

656.03 DANGEROUS STRUCTURES.

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

(b) Notice and Hearing. The Council may, after notice to the owner and after holding a public hearing thereon, condemn such structure by giving notice to the owner of the land upon which said structure is located, specifying in what respects said structure is a public nuisance and requiring said owner to alter, repair, tear down or remove the same within such reasonable time, not exceeding sixty days, as may be necessary to do or have done the work required by said notice. Said notice may also provide a reasonable time within which such work shall be commenced.

(c) Abatement. If, at the expiration of any time limit in said notice, the owner has not complied with the requirements thereof, the Mayor or his or her designated representative shall carry out the requirement of said notice. The cost of such abatement shall be charged against the premises and the owner thereof in accordance with the provisions of subsection (e) hereof.

(d) Emergency Abatement. The Mayor may abate any public nuisance, if the public safety requires immediate action, without preliminary order of the Council. Thereafter, the cost of abating such nuisance shall be charged against the premises and the owner thereof in accordance with the provisions of subsection (e) hereof.

(e) Assessment of Costs. The costs of the removal of such nuisance shall be assessed upon the property upon which such nuisance was located and shall constitute a lien upon such property. This assessment shall be collected at the same time as are City property taxes, if unpaid, and shall be subject to the same penalties as are levied for unpaid property taxes.

(Ord. 80-1a. Passed 5-12-80.)

**656.04 STORAGE OR ACCUMULATION OF TRASH, RUBBISH, JUNK,
JUNK AUTOMOBILES, ETC., PROHIBITED; EXCEPTIONS.**

(a) No person shall store or permit the storage or accumulation of trash, rubbish, junk, junk automobiles, or abandoned vehicles on any private property in the City, except within a completely enclosed building or upon the premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, or dealer in secondhand goods.

(b) No person shall dismantle, cut up, remove parts from or otherwise disassemble any automobile, whether or not the same is a junk automobile, abandoned vehicle, or otherwise, or any appliance or machinery, except in a completely enclosed building, or upon the premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, or dealer in secondhand goods.

(c) No person shall keep or maintain any blighted or vacant structure, dwelling, garage, building, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless the structure is in the course of construction in accordance with a valid building permit issued by the City of Litchfield, and unless such construction is completed within a reasonable time.

(d) No person shall store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock in trade of a business located on said property, or except when such materials are being used in the construction of a structure on property in accordance with a valid building permit issued by the City of Litchfield, and unless such construction is completed within a reasonable time.

(e) The City Council or a designated representative may remove or cause to be removed any junk automobile or abandoned vehicle, or parts of either, from any unenclosed private property after having notified, in writing, the owner or occupant of such property of its or his or her intention to do so at least forty-eight hours prior to such removal. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property. Such junk automobiles or abandoned vehicles, or parts of either, shall be removed to the automobile pound and disposed of in accordance with law. Such removal by the City Council or its designated representative shall not excuse or relieve any person of the obligation imposed by this chapter to keep his or her property free from storage or accumulation of junk automobiles or abandoned vehicles, or parts of either, or from the penalties for violation thereof.

(Ord. 80-1b. Passed 5-12-80.)

656.05 ABATEMENT OF NUISANCES.

(a) Nuisances and Hazards Removed. The hazards and nuisances specified and defined in this chapter shall be abated, either by action of the owner or by the action of the City Council under the provisions of this chapter.

(b) Recommendations to the Council. Whenever a City officer is made responsible for the abatement of a nuisance or hazard by order of the City Council, he or she shall present to the City Council his or her recommendation that the hazard or nuisance be done away with.

(c) Notice by Council. Whenever a recommendation shall have been presented to the City Council in accordance with the provisions of the preceding subsection, the Council shall immediately accept or reject such recommendation. If, in the opinion of the Council, a public hazard or nuisance which is dangerous to the health or safety of the inhabitants of the City exists, the Council shall issue an order to the owner of the offending premises specifying the nature of the nuisance or hazard and requiring such owner to abate the hazard or nuisance promptly and within a time commensurate with the nature of the hazard or nuisance.

(d) Noncompliance With Notice. If, at the expiration of the time limit as set forth in the notice given pursuant to the preceding subsection, the owner of the premises has not complied with the requirements as set forth in the notice, or in any case where the owner of the premises is not known, the Council may order such hazard or nuisance abated by the proper department or agency of the City which is qualified to do the work required or may do the work by contract or by hire.

(e) Assessment of Costs. The costs of the removal of the hazard or nuisance shall be assessed upon the property upon which such hazard or nuisance was located and shall constitute a lien upon such property. This assessment shall be collected at the same time as are regular City property taxes, if unpaid, and shall be subject to the same penalties as are levied for unpaid property taxes.

(f) Remedies Not Exclusive. The remedies provided for in this section shall be in addition to the penalty provided for in Section 656.99.

656.99 PENALTY.

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