

## **Chapter 15 NUISANCES**

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**Sec. 15-1. Definitions.**

For the purposes of this chapter, the word "nuisance" is hereby 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, omission, condition or thing either:

- (1) Injures or endangers the comfort, repose, health or safety of others; or
- (2) Offends decency; or
- (3) Is offensive to the senses; or
- (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; or
- (5) In any way renders other persons insecure in life or the use of property; or
- (6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(Ord. of 1-21-97(4))

**Sec. 15-2. Prohibited.**

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

(Ord. of 1-21-97(4))

**Sec. 15-3. Illustrative 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 over 12 inches in height;
- (2) The storage upon any property of building materials unless there is in force a valid zoning permit issued by the city and a building permit issued by the county for construction upon such property and such building materials are intended for use in connection with such 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 contractor prior to issuance of any occupancy permit or final acceptance by 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 cast-off material of any kind whether or not the same could be put to any reasonable use;
- (4) Storage on any property of junk vehicles except in a completely enclosed building; for the purposes of this chapter the term "junk vehicles" 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 or other cause 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 county 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.  
(Ord. of 1-21-97(4))

#### **Sec. 15-4. Notice to abate.**

Whenever a nuisance is found to exist within the city by the person duly authorized by the city administrator, the city shall give ten days' written notice to the owner or occupant of the property upon which the nuisance exists or upon the person causing or maintaining the nuisance.

(Ord. of 1-21-97(4))

#### **Sec. 15-5. 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.

(Ord. of 1-21-97(4))

#### **Sec. 15-6. Service of notice.**

The notice to abate a nuisance shall be served personally or by registered mail, return receipt requested, to the owner or occupant, or notice may be posted for 21 days at the place of violation.

(Ord. of 1-21-97(4))

#### **Sec. 15-7. Abatement by city.**

Upon the 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 city shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

(Ord. of 1-21-97(4))

#### **Sec. 15-8. Emergency abatement by city.**

When, in the opinion of the enforcement official duly authorized by the city administrator there is actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the enforcement official is hereby authorized and empowered, without any notice or hearing to order and require such premises to be

vacated. The enforcement official 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.

(Ord. of 1-21-97(4))

**Sec. 15-9. City's costs.**

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

(Ord. of 1-21-97(4))

**Sec. 15-10. Permit to store an historical automobile.**

If any person has an inoperative classical or historical automobile, registered in his name, such person may apply to the chief of police for a permit to store an historical automobile. At the time of making such application, the applicant shall furnish to the chief of police a \$25.00 permit fee and a photograph of the subject vehicle. The permit fee and photograph shall become the property of the city. Any application made under the terms of this paragraph, must be made prior to the expiration of a five-day warning. The police chief shall have sole discretion in determining whether a permit to store an historical automobile shall be granted. The applicant will be notified of the police chief's decision within a reasonable time. If the police chief grants the permit to store an historical automobile, he may further designate a specific area on applicant's property upon which the vehicle may be stored. The permit to store an historical vehicle shall be valid for a period of one year, at which time the permit may be renewed by again making application to the chief of police. It will not be necessary for an application for renewal permit to be accompanied by a photograph and permit fee. The chief of police shall again, in sole discretion, determine whether the permit shall be renewed. An application for renewal permit may be made anytime within 60 days prior to the expiration of any one-year period. If any permit is denied by the police chief the chief shall notify the applicant by first class mail. The applicant shall have seven days from the date of mailing such denial to properly dispose of such vehicle. The police chief may revoke any such permit upon a showing of changed circumstances in the condition of the subject vehicle. At the end of such seven-day period, if the vehicle is not properly disposed of, a summons and notice to appeal before the district court for violation of this chapter will be issued to such violator and the chief of police or any police officer who has witnessed such violation may sign as a complaining witness in the subsequent prosecution of the violation of this chapter.

(Comp. Ords. 1985, § 20.144; Ord. of 1-21-97(4))

**Sec. 15-11. Penalty.**

In addition to the penalties provided in this Code, any violation of this chapter is hereby declared to be a nuisance per se. The administrator of the City of East Jordan may institute an action in the circuit court to seek such relief as may be permitted in law or

equity regarding the abatement of a nuisance per se or to ensure compliance with this chapter.  
(Ord. of 11-7-95, § A)