

PART II - CODE OF ORDINANCES

Chapter 34 ENVIRONMENT

Chapter 34 ENVIRONMENT [11](#)

ARTICLE I. - IN GENERAL

ARTICLE II. - NUISANCES

ARTICLE III. - STORAGE OF JUNKED AUTOMOBILES

ARTICLE IV. - NOISE

FOOTNOTE(S):

--- (1) ---

Charter reference— General powers of city, § 1.01. [\(Back\)](#)

Cross reference— Animals, ch. 14; buildings and building regulations, ch. 18; dangerous structures, § 18-61 et seq.; community development, ch. 30; storage of flammable waste, § 38-5; parks and recreation, ch. 50; solid waste, ch. 54; streets, sidewalks and other public places, ch. 62; subdivisions and other divisions of land, ch. 66; utilities, ch. 82; vegetation, ch. 86; zoning, app. A. [\(Back\)](#)

State Law reference— Natural Resources and Environmental Protection Act, MCL 324.101 et seq. [\(Back\)](#)

ARTICLE I. IN GENERAL

[Secs. 34-1—34-30. Reserved.](#)

Secs. 34-1—34-30. Reserved.

ARTICLE II. NUISANCES [12](#)

[Sec. 34-31. Defined; general prohibition.](#)

[Sec. 34-32. Specific acts and conditions declared nuisance.](#)

[Secs. 34-33—34-60. Reserved.](#)

PART II - CODE OF ORDINANCES

Chapter 34 ENVIRONMENT

Sec. 34-31. Defined; general prohibition.

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, or navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this article. No person shall commit, create, or maintain any nuisance.

(Code 1989, § 9.1)

Cross reference— Definitions generally, § 1-2.

Sec. 34-32. Specific acts and conditions declared nuisance.

The following acts, services, apparatus and structures are hereby declared to be public nuisances:

- (1) The maintenance of any pond, pool of water, or vessel holding stagnant water.
- (2) The pollution of any stream, lake or body of water by, or the depositing into or upon any highway, street, lane, alley, public street or square, or into any adjacent lot or grounds of, or depositing or permitting to be deposited, any refuse, foul, or nauseous liquid or water, or creamery or industrial waste, or forcing or discharging into any public or private sewer or drain any steam, vapor or gas.
- (3) The emission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities.
- (4) Any vehicle used for any illegal purpose.
- (5) Betting, bookmaking and all apparatus used in such occupations.
- (6) All gambling devices.
- (7) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses.
- (8) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount contrary to the provisions of this Code or statute of the state.
- (9) Any use of the public streets and/or sidewalks which causes large crowds to gather, obstructing the free use of the streets and/or sidewalks.
- (10) All buildings, walls and other structures which have been damaged by fire, decay, or otherwise and all excavations remaining unfilled or uncovered for a period of 90 days or longer, and which are so situated so as to endanger the safety of the public.
- (11) All dangerous, unguarded excavations or machinery in any public place, or so situated, left or operated on private property as to attract the public.
- (12) The owning of trucks or other motor vehicles operated on the public streets or alleys that are constructed or loaded so as to permit any part of the load or contents to blow, fall, or be deposited upon any street, alley, sidewalk or other public or private place, or which deposits from its wheels, tires, or other parts onto the street, alley, sidewalk or other public or private place dirt, grease, sticky substances or foreign matter of any kind; provided, however, that, under circumstances determined by the city manager to be in the public interest, he may grant persons temporary exemption from the provisions of this subsection conditioned upon cleaning and correcting the violating condition at least once daily and execution of an agreement by such person to reimburse the city for any extraordinary maintenance expenses incurred by the city in connection with such violation.

PART II - CODE OF ORDINANCES

Chapter 34 ENVIRONMENT

(Code 1989, § 9.7)

Secs. 34-33—34-60. Reserved.

FOOTNOTE(S):

--- (2) ---

State Law reference— Public nuisances, MCL 600.3801 et seq.; nuisance abatement, MCL 600.2940. [\(Back\)](#)

ARTICLE III. STORAGE OF JUNKED AUTOMOBILES [\[3\]](#)

[Sec. 34-61. Definitions.](#)

[Sec. 34-62. Prohibited storage.](#)

[Sec. 34-63. Permitted storage.](#)

[Sec. 34-64. Notice to remove.](#)

[Secs. 34-65—34-90. Reserved.](#)

Sec. 34-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Front yard means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and nearest point of the main building.

Junked motor vehicle means any motor vehicle which is partially dismantled or wrecked and which cannot safely or legally be operated on a public street or roadway.

Motor vehicle means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, and other off-road vehicles.

Motor vehicle accessories means any part of any motor vehicle.

Person means any individual, firm, partnership or corporation.

Private property means any real property not owned by the federal government, state, county, school district, or other public subdivision.

Removal means the physical relocation of a motor vehicle or accessory to an authorized location.

PART II - CODE OF ORDINANCES

Chapter 34 ENVIRONMENT

Unlicensed motor vehicle means any motor vehicle which is not currently registered in this state and does not display current year registration plates from another state.

(Code 1989, § 5.171)

Cross reference— Definitions generally, § 1-2.

Sec. 34-62. Prohibited storage.

No person shall store upon, place upon, or permit to be stored or placed upon private property any junked motor vehicle, unlicensed motor vehicle or motor vehicle accessories. The storage or placement of property contrary to the terms of this section is hereby declared to be a public nuisance.

(Code 1989, § 5.172)

Sec. 34-63. Permitted storage.

The prohibition contained in section 34-62 shall not apply to the following circumstances:

- (1) The storage of junked motor vehicles, unlicensed motor vehicles or motor vehicle accessories within an enclosed building.
- (2) The storage of unlicensed motor vehicles by licensed new or used car dealers, provided that such business enterprise is conducted in a lawful place and manner.
- (3) The storage of a junked motor vehicle or unlicensed motor vehicle on private property, except within an enclosed building in residential zoning districts, and except in the front yard for all other zoning districts, by an owner, co-owner, tenant, or co-tenant for a period not to exceed 48 hours, which may be extended for an additional one-week period for good cause by the issuance of a permit by the chief of police and payment of a permit fee in the amount established by the annual fee resolution adopted by the city council.

(Code 1989, § 5.173; Ord. No. 273, 10-19-2015)

Sec. 34-64. Notice to remove.

Whenever the chief of police, any member of his department, or the zoning administrator finds or is notified that any junked motor vehicle, unlicensed motor vehicle or motor vehicle accessories have been stored or placed on private property contrary to the terms of this article, the chief of police shall send by mail or personally serve a notice to the owner of the private property on which vehicle or accessories are located. If owner of vehicle, or accessories, can be identified a duplicate copy of said notice shall also be mailed or personally served. This notice shall contain the following information:

- (1) A general description and location of junked motor vehicle, unlicensed motor vehicle, and/or accessories which are in violation of this article;
- (2) A statement that the city will remove the property which is in violation of this article unless the owner forthwith removes the property;
- (3) A statement that the removal of such property from the location specified in the notice to another location upon which storage is not permitted in the city limits is prohibited;
- (4) A statement of the penalties provided for noncompliance with this article; and

PART II - CODE OF ORDINANCES

Chapter 34 ENVIRONMENT

(5) A statement that such property must be removed within 48 hours.

If such notice is not complied with a notice of violation shall be issued and the vehicle shall be tagged with a 48 hour notice of intent to remove, and upon expiration of this 48 hours the chief of police shall cause such property to be removed and impounded, and owner may be liable for all costs including but not limited to towing fees, impoundment storage fees, and administrative fees.

(Code 1989, § 5.174; Ord. No. 273, 10-19-2015)

Secs. 34-65—34-90. Reserved.

FOOTNOTE(S):

--- (3) ---

Cross reference— Traffic and vehicles, ch. 78.[\(Back\)](#)

State Law reference— Abandoned vehicles, MCL 257.252a et seq.[\(Back\)](#)

ARTICLE IV. NOISE ^[4]

[Sec. 34-91. General prohibition.](#)

[Sec. 34-92. Specific offenses.](#)

Sec. 34-91. General prohibition.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

(Code 1989, § 9.10)

Sec. 34-92. Specific offenses.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive:

- (1) *Radios, phonographs, etc.* Using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device

PART II - CODE OF ORDINANCES

Chapter 34 ENVIRONMENT

is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

- (2) *Loudspeakers and amplifiers.* Using, operating or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproduction of sound which is cast upon the public streets.
- (3) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (4) *Noisy animals and birds.* The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (5) *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- (6) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motorboat, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) *Loading, unloading or opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (8) *Construction or repair of buildings.* The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the authorized agents of the city, which permit may be granted for a period not to exceed three days while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the authorized agents of the city should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if the authorized agents of the city shall further determine that no loss or inconvenience would result to any party in interest, the authorized agents of the city may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (9) *Excessive noise near schools, courts, churches or hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the school, institution of learning, church or court is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturb or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the street is a school, hospital or court street.
- (10) *Hawkers and peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (11) *Drums or other instruments used for attracting attention.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (12) *Transportation of metal rails, pillars and columns.* The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars,

PART II - CODE OF ORDINANCES

Chapter 34 ENVIRONMENT

or trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places, except in cases of emergencies.

- (13) *Piledrivers, hammers, etc.* The operation between the hours of 6:00 p.m. and 7:00 a.m. of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, except in case of emergency.
- (14) *Blowers and other engines.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(Code 1989, § 9.11)

FOOTNOTE(S):

--- (4) ---

Cross reference— Loud noises and speaking devices from peddlers, § 22-133.[\(Back\)](#)

State Law reference— Motor vehicle noise, MCL 257.707a et seq.[\(Back\)](#)