

35.000

**PUBLIC NUISANCES
VILLAGE OF SHEPHERD, MICHIGAN
code eff. Jan. 159, 1957
Amended 5/19/14**

35.001

Sec. 6101 **DEFINITIONS.**

6101.1 Whatever annoys, injures or endangers the safety, health, comfort, convenience or repose of the public; offends public decency, interferes with, obstructs or renders dangerous any public place, street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance.

6101.2 Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Article [35.000; Public Nuisances].
(code eff. Jan. 15, 1957)

35.002

Sec. 6102 **PROHIBITION.**

6102.1 No person shall commit, create or maintain any nuisance. Each day a nuisance shall remain unabated shall be construed as a separate violation.
(code eff. Jan. 15, 1957)

35.003

Sec. 6103 **ABATEMENT**

6103.1 The Chief of Police may, at his option, elect to enforce the provisions of this Article by one of the following methods or by any combination thereof:

(a) He may prosecute the person committing, creating or maintaining the nuisance for a violation of the provisions of this Code; or

(b) He may cause the nuisance to be immediately abated provided the nuisance involves the public health or safety or injury to property; or

(c) He may give notice in the manner provided in section 1201 of this Code ordering said nuisance to be abated.
(code eff. Jan. 15, 1957)

35.004

Sec. 6104 **ABATEMENT BY VILLAGE.**

6104.1 In the event that the owner, possessor or occupier, or any person, firm or corporation having charge of any property subject to an order of abatement of a nuisance by the council or the Chief of Police fails or refuses to comply with the abatement notice, it shall be the duty of the Police Chief to refer the matter to the village attorney who shall commence proceedings to abate the nuisance.
(code eff. Jan. 15, 1957)

35.005

Sec. 6105 **RECOVERY OF EXPENSE.**

6105.1 The cost of abatement by the village of any nuisance may be collected in an action at law from the owner, occupier or possessor of the property upon which the nuisance was committed, created or maintained.

6105.2 In all cases where the village shall incur any expense for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council, in addition to all other remedies provided for the recovery of such expense, may charge the same or such part thereof as they shall deem proper, upon the lot and premises upon or account of

which such expenses were incurred, or from which said nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment. (code eff. Jan. 15, 1957)

35.006

Sec. 6106 **DANGEROUS STRUCTURES.**

6106.1 No person shall maintain any structure which is unsafe or which is a menace to the health, morals or safety of the public.

6106.2 The council may condemn any such structure after investigation by giving notice to the owner, occupier or possessor of the land upon which the structure is located in the manner provided in Section 1201 of this Code, specifying in what respects said structure is a public nuisance and requiring said owner to alter, repair, tear down or remove same within five (5) days after service of said notice.

6106.3 If, at the expiration of the time limit of said notice, the owner has not complied with the requirements thereof, the village attorney shall commence proceedings to have the structure removed.

35.007

Sec. 6107 **REFUSE.***

6107.1 No person shall dispose of any refuse, waste or other such material except at dumps which have been approved and are supervised by the health officer and which are clearly marked for such purpose, provided that garbage shall not be permitted on any dump within the village.

6107.2 The foregoing shall not prevent the burning or other disposal of garbage, refuse, waste foods or other such materials in receptacles approved by the health officer.

6107.3 Every person shall keep within the lot line of his premises a suitable receptacle for depositing any ashes, glass, metal, stone, cans or other refuse and waste of like nature.

6107.4 Each person who is responsible for any lot or premises within the village which is occupied for residential or commercial premises shall keep within the lot line a receptacle for garbage, animal or vegetable matter, which receptacle shall have a cover and which shall be at all times left in a convenient place so that proper collection of the garbage may be made.

6107.5 Except as heretofore provided in this section, no person shall dump, abandon, throw or scatter any refuse or waste in or transport the same in such a manner as to cause the littering of any street, alley or public place, or of any private property not his own, or to cause the obstruction of any ditch, drain or gutter.

6107.6 No person shall allow any refuse, rubbish, junk (including junk cars or trucks or abandoned and inoperable cars or trucks) or waste to collect or lie on the property which he owns, occupies or controls, in such a manner that it attracts, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, is unsightly or is offensive. (code eff. Jan. 15, 1957; amend. by ord. no. 6107.6 eff. June 5, 1966)

Sec. 6108 **SMOKE.**

6108.1 No person who is responsible therefore shall permit the emission from any chimney or smokestack of dense smoke or smoke containing soot or other substance in sufficient quantity to noticeably permit the deposit of soot or other substance within the village. The emission of smoke or other substance is hereby described to constitute a public nuisance. (code eff. Jan. 15, 1957)

*[Also see 35.050 for Ord. No. 7307, "Garbage and, Refuse".]

35.009

Sec. 6109 **BARBED WIRE.**

6109.1 No person shall place or maintain any barbed wire fencing or any strands of barbed wire along the line of or in any public street, alley or public place within the corporate limits, nor shall any person place or allow the same to remain between any premises owned or occupied by him and the adjoining premises, or place or allow to remain any barbed wire fencing or barbed wire within the corporate limits in any place where it will expose any person to injury on account thereof, provided that it shall not be unlawful to place such barbed wire at the top of a legal fence when placed not less than six (6) feet from the ground.

6109.2 No person shall place or maintain any fence, trees, shrubs or other obstacles in any portion of a highway or street right-of-way except by permission of the Chief of Police. (code. eff. Jan. 15, 1957)

35.010

PROHIBITED NOISES

It is 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.

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of Article 35.000; Public Nuisances but this enumeration is not exclusive:

(1) **Horns, signaling devices, etc.** - The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place, except as a danger warning; the creation by means of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any horn, whistle or other device operated by engine exhaust;

(2) **Radios, phonographs, etc.** - The using, operating or permitting to be played, used or operated, any radio or receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants;

(3) **Loud speakers, amplifiers for advertising** - The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or to attract attention of the public to any building or structure;

(4) **Yelling, Shouting** - Yelling, shouting, hooting, whistling or singing on the public streets or any other public place 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;

(5) **Engine exhausts** - The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or other motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises;

(6) **Defect in vehicle or load** - The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, or annoyance;

(7) **Loading or unloading, opening boxes** - Creation of a loud and excessive noise in connection with loading and unloading of any vehicle or the opening and destruction of bales, crates and containers;

(8) **Construction or repairing of buildings** - The erection (including excavation, 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 the case of urgent necessity in the interest of public health and safety, and then only with a permit issued by Chief of Police, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which may be renewed for periods of three (3) days or less while the emergency continues. If the Chief of Police determines 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 or highways between the hours of 6:00 p.m. and 7:00 a.m. and he/she further determines that loss of inconvenience will result to any party in interest, he may grant permission for the work to be done during the hours of 6:00 p.m. and 7:00 a.m. upon application. If the Chief of Police shall determine that such work does actually impair the public health and safety, then such permit may be revoked by Chief of Police.

(9) **Hawkers and Peddlers** - Shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood;

(10) **Drums for commercial purposes** - The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show or sale by creation of noise;

(11) **Transportation of materials** - The transportation of any material over the streets and other public places so as to cause loud noises or so as to disturb the peace and quiet of such streets;

(12) **Pile drivers, hammers, etc.** - The operation between the hours of 6:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoists other appliances, the use of which is attended by loud or unusual noises;

(13) **Blowers, fans, engines** - The operation of any noise created by any blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gasses or fluids, unless the noise from the blower is muffled and the engine is equipped with a muffler device sufficient to deaden the noise.

This amended ordinance shall take effect thirty (15) days after its adoption:

Adopted: May 19, 2014

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