

Chapter 15
NUISANCES¹

Sec. 15-1. Definition.

Nuisance. 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.

(Code 1957, § 9.1)

Cross reference—Definitions and rules of construction generally, §§ 1-2.

Sec. 15-2. 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;
- (2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things;
- (3) Any condition which provides harborage for rats, mice, snakes and other vermin;
- (4) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;

¹ **Charter reference** – Power to abate nuisances, § 2.2(q), (v).

Cross references—Garbage and refuse, Ch. 12; noise, Ch. 14; offenses generally, Ch. 16; water and sewage disposal services, §§ 23-16 et seq.

- (5) All unnecessary or unauthorized noises and annoying vibrations, including animal noises;
- (6) 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;
- (7) The carcasses of animals or fowl not disposed of within a reasonable time after death;
- (8) 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;
- (9) 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;
- (10) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;
- (11) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
(Code 1957, §§ 9.1-9.2)

Sec. 15-3. Prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.
(Code 1957, § 9.1)

Sec. 15-4. Abatement Procedure.

Abatement by the City of a nuisance under this chapter shall be performed as provided in Section 20-12.
(Code 1957)

Sec. 15-5. Emergency Abatement.

The City Manager 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 section 20-12.
(Code 1957, § 9.5)

Sec. 15-6. Construction Fencing.

(a) **Purpose.**

The purpose of this Section 15-6 is to require single-family and multi-family residential construction sites and demolition sites that are adjacent to existing residential dwellings and/or public streets and sidewalks to be secured.

(b) Standards for securing construction sites.

All single-family and multi-family residential construction sites and demolition sites that are adjacent to existing residential dwellings shall comply with the following standards while a building or structure is being erected, altered, repaired, removed or demolished under a valid permit for construction or demolition. Failure to comply is grounds for the Building Official to issue an order to stop work on the construction or demolition.

1. Fencing. All construction sites (either existing or in the future) shall be enclosed with a stable chain-link fence not less than six feet in height. Any gates shall open inward, so as not to obstruct the public right-of-way. When there is not active construction on the site, the gate shall be secured. Temporary fencing may be removed after a complete insulation inspection has been approved. All temporary fencing (including the foundation) shall be removed prior to the issuance of a conditional certificate of occupancy.
2. Silt Fencing. Silt fencing must be installed at construction sites where earth disruption has occurred and must be properly maintained until its removal as approved by the Building official.
3. Signage. Prior to the commencement of construction or demolition, signage prepared by the City shall be attached to the required fencing with the permit holder's name and telephone number, and contact information for the City's Building Department. One sign shall be provided per street frontage.
4. Right-of-way maintenance. Any activity expected to impact the public right-of-way, including but not limited to a tree within the right-of-way or an adjoining sidewalk, must first receive a permit under Article 21 of the City's Code.
5. Portable toilets. Any portable toilets on site shall be located within the construction site and no less than 15 feet from any existing structure on adjacent property.
6. Excavation. Excavations on a site shall not be open for more than 60 days.
7. Exemptions. This section shall not apply to the following:
 - (1) New developments that have been through subdivision or site condominium approvals.
 - (2) All renovations enclosed within the original building or structure.
 - (3) Additions of less than 50% of the square footage of the original building or structure.

(4) Detached accessory structures.

(b) Violations and penalties.

- A. A person violating this article for the first time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$250, plus costs.
- B. A person violating this article for the second time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$500, plus costs.
- B. A person violating this article for the third or subsequent time is guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment for not more than 90 days, or to both such fine and imprisonment in the discretion of the court.
- C. In addition to any penalties provided for herein, the court shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin further violation of this article.

(Ord. No. 212, §1, 7-28-19)

Secs. 15-7. -- 15-9. Reserved.

Sec. 15-10. Nudity

Any premises, building, dwelling, or other structure in which public nudity is permitted, offered, promoted, allowed or encouraged shall constitute a public nuisance.

(Ord. No. 165, § 3, 1-24-97)

Sec. 15-11. Illegal Occupancy.²

Any dwelling or structure occupied or used contrary to the terms of a validly issued certificate of occupancy and use, or occupied or used without the issuance of a valid certificate of occupancy and use with respect to such structure, or occupied or used following revocation of a certificate of occupancy and use with respect to such dwelling or structure, shall constitute a public nuisance and such occupation or use shall be a nuisance.

(Ord. No. 187, § 4, 6-1-03)

Sec. 15-12. Exterior Lighting.

A. Purpose and Intent:

² **Editor's Note** - Section 15-11 was adopted as part of Ord. No. 184 on May 12, 2003, effective June 1, 2003

The purpose of this section is to regulate light spillage and glare to ensure the safety of motorists and pedestrians, and to ensure lighting does not adversely affect land uses on adjacent lands. More specifically, this section is intended to:

1. Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;
2. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site; and
3. Provide security for persons and land.

B. Applicability:

1. General

The provisions of this section shall apply to the interests of the City unless exempted in accordance with Section 15-12 B. 4, Exemptions.

2. Time of Review

Review for compliance with the standards of this section shall occur as part of the review of an application for a site plan, planned development, certificate of appropriateness, or certificate of zoning use, as appropriate by the City.

3. Existing Development

Compliance with these standards, to the maximum extent practicable, shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity equivalent to or beyond 50 percent.

4. Exemptions

The following uses, activities and development are exempt from the exterior lighting standards of this section:

- a. Lighting associated with navigational beacons;
- b. Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;
- c. Battery-powered emergency lighting;
- d. Architectural lighting of 450 lumens (= 40 watts incandescent) or less;
- e. Lighting owned or operated by the City or utilities regulated by the Michigan Public Service Commission; and

- f. Front and porch door lighting shall not exceed 800 lumens (= 60 watts incandescent).

C. Exterior Light Fixtures:

Exterior light fixtures located on private property in any Residential District shall be architecturally compatible with the style, materials, colors and details of the building and shall be located and positioned so as to be unobtrusive to the neighbors. Mounting brackets and associated hardware shall be inconspicuous. The type of light source used on the exterior of buildings, pedestrian walkways and other areas of a site, and the light quality produced, shall be the same or compatible. In general, façade lighting should be concealed through shielding or recessed behind architectural features. The use of neon or mercury vapor lighting is prohibited.

- (1) All outdoor lighting used to light a specific site shall be shielded downward or below horizontal to reduce glare and shall be so arranged and designed to reflect light away from all adjacent residences and public rights-of-way.
- (2) Carriage style lights on the interior portion of a parcel may be utilized to light a driveway providing the light source is not greater than an average of 0.5 to 2.0 footcandles at grade (generally 60 watts or less) and providing lights shall have internal shields to direct light downward and away from adjacent properties and roadways as necessary. Such lighting shall not be positioned higher than eight (8) feet above ground or base of entry. Lighting fixtures shall not emit ambient light that exceeds one (1) footcandle at grade measured at any adjoining property line.
- (3) Ground lighting (up-lighting) in any Residential District for the purpose of illuminating landscaping and architectural details, or other specialized lighting in any Residential District (including, without limitation, lighting for the purpose of illuminating flag poles or other similar amenities, and pedestrian walkway illumination) shall be shielded from public view by either landscaping or architectural features and shall be directed solely at the object to be lit and shall not direct light towards adjacent property or public rights-of-way.
- (4) No floodlights shall be erected or used in any district, unless they are directed to the structure, landscaping or interior lot improvements and shielded from the neighbors and public so as to be unobtrusive.
- (5) Security lighting may be utilized in situations where it is positioned so as to be shielded from neighboring properties, public rights-of-way, and the general public to the greatest extent possible, and such lighting shall not shine directly on adjacent property, nor shall it emit any audible noise.

(Ord. No. 208, §1, 12-10-18).