

ORDINANCE NO. 22

An Ordinance Defining Public Nuisances, Prohibiting Their Creation or Maintenance and Providing Penalties Therefor.

THE VILLAGE OF DECATUR ORDAINS

Sec. 1. Public Nuisances Defined: A public nuisance is a thing, act, failure to act, occupation, or use of occupation which:

- (a) Shall annoy, injure or endanger the safety, health, comfort or repose of any considerable number of persons;
- (b) Shall offend the public decency;
- (c) Shall unlawfully interfere with, obstruct, or tend to obstruct, or render dangerous for passage a navigable river or creek, public lake or pond, or a public park, square, street, alley, lane, sidewalk or highway; or
- (d) Shall in any way render any considerable number of persons insecure in life or in use of property.

Sec. 2. Public Nuisance Affecting Health. The following are hereby declared to be public nuisances affecting health:

- (a) The spitting on the sidewalks or crosswalks, or upon any walks, upon public grounds, or upon the floor, hall, stairs, steps, entry or platform of any public building, store, building or office building.
- (b) All diseased animals running at large.
- (c) Ponds, pools, of water, or vessels holding stagnant water which becomes a breeding place for mosquitoes.
- (d) Carcasses or animals not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (e) The throwing, placing, depositing or leaving in any street, highway, lane, alley, public place, square or sidewalk, or in any private, place or premises where such throwing, placing, depositing or leaving is, in the opinion of the Health Officer, dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects, rodents and/or vermin by any person, firm or corporation of any animal or vegetable substance, dead animal, fish, shell, tin cans, bottles, glass or other rubbish, dirt, excrement, filth, rot, unclean or nauseous water, liquid or gaseous fluids, hay, straw, soot, garbage, swill, animal bones, hides or horns, rotten soap, grease or tallow, offal or any other offensive article or substance whatever.
- (f) 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, creamery or industrial waste, or forcing or discharging into any public or private sewer or drain, any steam, vapor or gas.
- (g) Noxious fumes, gas or smoke in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities.
- (h) Offensive trade or callings, as defined by statute, not licensed or approved by the Village health Officer as provided by law.
- (i) The use of common public drinking cup or roller towel.
- (j) The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person.
- (k) The failure of any owner, occupant, or the person in charge of any lot or premises in said Village to keep the same free and clear from all and every filthy, unwholesome, offensive or dangerous matter or thing.

- (l) The permitting of any cellar, vault, lot, sewer, drain, place or premises within said Village to become so damp, unwholesome, offensive or filthy or so covered with stagnant or impure water in whole or in part during any portion of the year as to produce offensive exhalations.
- (m) The failure on the part of the owner, possessor or occupant of lands within the Village limits to cut down all noxious weeds, including ragweed, Canada or other thistles, milkweed, wild carrots, ox-eye daisies, poison ivy, mustards, prickly lettuce, burdock, cocklebur, sour and yellow dock, wild parsnips, or quack grass growing thereon or growing on that part or portion of the public street or alley abutting said property and bounded by the established curb or gutter line, so often in each year as shall be necessary to prevent them from going to seed.
- (n) The permitting or maintaining of any tree, shrub or plant which endangers public property or the health or safety of the public.
- (o) All other acts, omissions of acts, occupations and uses of property which are in fact a menace to the public health.

Sec. 3. Public Nuisances Affecting Morals and Decency. The following are hereby declared to be public nuisances affecting public morals and decency:

- (a) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses.
- (b) All domestic animals in the act of copulation exposed to the public view.
- (c) Any vehicle used for any immoral or illegal purpose.
- (d) All indecent or obscene pictures, books, pamphlets, magazines and newspapers.

Sec. 4. Public Nuisances Affecting Peace and Safety. The following are declared to be public nuisances affecting public peace and safety:

- (a) All snow and/or ice not removed from public sidewalks within twenty-four hours after the accumulation, deposit or forming thereof.
- (b) All limbs of trees which project over a public sidewalk or street and which are less than eight feet above the surface of such sidewalk and nine feet above the surface of such street.
- (c) All wires over streets, alleys or public grounds which are strung less than fifteen feet above the surface of the ground.
- (d) All buildings, walls and other structures which have been damaged by fire, decay, or otherwise, and which are so situated so as to endanger the safety of the public.
- (e) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount contrary to the provisions of any ordinance or statute of the State of Michigan.
- (f) All use or display of fireworks except by permission of the Village Council and under the supervision of the Fire Chief.
- (g) All loud or unusual noises or sounds and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities.
- (h) Obstructions and excavations affecting the ordinary use by the public of sidewalks, streets and alleys, or public grounds except by approval of the Village Marshal.
- (i) 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 except by permission of the Village Council.
- (j) All barbed wire fences which are located within three feet from any public sidewalk.
- (k) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- (l) The distribution of handbills except as approved by the Village Marshal.
- (m) The riding of bicycles upon the sidewalks on Phelps Street from Sherwood Street to St. Mary's Street.

(Section 5 Repealed by Ord 122, 1998)

Sec. 5. When Keeping Animals Shall Cause a Nuisance.

- (a) No person or persons shall keep or confine horses, hogs, cows, cattle or other animals in pens or other enclosures in any place within the limits of the Village of Decatur, when such

keeping or confining shall cause a nuisance or be offensive to his neighbor or neighbors, and in no case shall any person or persons keep and confine any such animals in any place within the Village of Decatur except by permission of the Village Council, upon the proper showing that the keeping or confining of such animals shall not be offensive or create a nuisance. Permission so given shall be revoked at the will of the Village Council.

(Section 6 amended by Ord 122, 1998)

Sec. 6. NOTICE TO ABATE NUISANCES.

Whenever there is a violation of this Ordinance any police officer, building inspector, or other designated code enforcement official may give a written and/or verbal notice upon any person, firm or corporation violating any of the provisions of this Ordinance to cease doing or omitting to do anything declared by this Ordinance to be a nuisance, and to wholly abate same.

(Section 7 amended to read as follows, to-wit: Ord 122 6-1-98)

Sec.7 ABATEMENT OF NUISANCES BY VILLAGE.

In the event that the person, firm, or corporation doing or omitting to do anything herein declared to be a nuisance shall not wholly abate the same the Village of Decatur may take the necessary steps to wholly abate and remove such nuisance. All expenses incurred by the Village in abating or removing said nuisance shall be charged against the property from which the nuisance was removed and all such charges shall become a lax lien against such property.

(Section 8 amended to read as follows, to-wit: Ord 122 6-1-98)

Sec. 8 – VIOLATION.

Any violation of any provision of this Ordinance shall be a Municipal Civil Infraction. A violation includes any act which is prohibited or made or declared to be a nuisance by this Ordinance and any omission or failure to act, where the act is required by this Ordinance.

The sanction for any violation of this Ordinance shall be a civil fine not exceeding \$500.00, plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 & 87 of ACT No. 236 of the Michigan Public Acts of 1961 as amended, being M.S.A. 27A.8302 and 27A.8701 et seq., respectively.

Sec. 9. Repeal.

(a) Any Ordinance or parts of Ordinances in conflict with the provisions contained herein are hereby repealed.

Sec/ 10. Severability Clause.

(a) If any of the provisions of this Ordinance are declared invalid by a Court of competent jurisdiction, such invalidity shall not affect the other and remaining provisions hereof.

August 12, 1954