

CHAPTER 678  
Safety, Sanitation and Health

678.01	Noxious weeds.	678.05	Nuisance abatement.
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CROSS REFERENCES

Health and sanitation generally - see Mich. Const., Art. 4, Sec. 51; M.C.L.A. Secs. 325.1 et seq., 327.1 et seq.  
 Authority of Council re public health and safety - see CHTR. Sec. 5.1  
 Health Officer - see CHTR. Sec. 4.6; ADM. Ch. 252  
 Littering on school property - see GEN. OFF. 680.07  
 Gravel pits as nuisances - see B.R. & T. 818.05  
 Yard waste collection - see S.U. & P.S. Ch. 1080  
 Dangerous buildings as nuisances - see B. & H. 1410.02

**678.01 NOXIOUS WEEDS.**

(a) Weeds, Grass and Other Vegetation. No person owning any lot or premises in the developed residential or commercial area of the City, as determined by the Superintendent of Public Works, shall permit noxious weeds to grow thereon or, in any street adjacent to such lot or premises, between the property line and the curb line. Further, no person owning any such lot or premises shall permit or maintain thereon any growth of grass or other vegetation to a height greater than eight inches on the average, nor shall such person permit or maintain any accumulation of dead weeds, grass or brush. "Noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* L.), poison ivy (*Rhus toxicodendron*) and poison sumac (*Toxicodendron vernix*).

(b) Duty of Occupant or Owner. It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the City to cut and remove or destroy by lawful means all such noxious weeds and grass, as often as may be necessary to comply with the provisions of subsection (a) hereof.  
(Ord. 240. Passed 9-19-95.)

(c) Failure to Comply; Remedy of City. If the provisions of subsections (a) and (b) hereof are not complied with, the Superintendent of Public Works shall notify the occupant, or the owner of unoccupied premises, to comply with the provisions of said subsections within a time to be specified in said notice, which notice shall be given in accordance with Section 202.04 of the Administration Code. Said notice shall require compliance with the provisions of this section within five days after service of such notice, and if such notice is not complied with within the time allowed, the Superintendent shall cause such weeds, grass and other vegetation to be removed or destroyed, and the actual cost of such cutting, removal or destruction, including supervision and overhead costs, plus ten percent, shall be a lien against the premises and collected in the manner prescribed in Act 359 of the Public Acts of 1941, as amended. The Superintendent shall be the Commissioner of Noxious Weeds in the City and shall serve as such without additional compensation.  
(Ord. 242. Passed 8-20-96.)

(d) Exemptions. Exempted from the provisions of this section are flower gardens, plots of shrubbery, vegetable gardens and small grain plots. An exemption under the terms of this subsection cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such exempt categories.  
(Ord. 240. Passed 9-19-95.)

#### **678.02 OBSTRUCTING STREETS AND SIDEWALKS; SNOW AND ICE.**

(a) No person shall erect, place or maintain, or aid or assist in the erection, placing or maintenance of, any obstruction in or upon any public street or sidewalk in the City. No person shall in any manner obstruct a street or sidewalk in the City or in any manner interfere with the lawful use of such street or sidewalk for public travel, without written permission of Council.

(b) No person shall permit any snow or ice to remain accumulated on sidewalks within the public right-of-way in the front, rear or sides of any business, house, building or lot owned, occupied or controlled by him or her longer than twenty-four hours after the same has fallen. Where either snow or ice has fallen or formed on any such sidewalk, the owner, occupant or agent shall, within twenty-four hours after it has fallen or formed, remove the snow or ice in such a manner as to render the total width of the sidewalk safe for pedestrian travel thereon. Whoever violates any portion of this section shall be fined twenty-five dollars (\$25.00) upon the first conviction; fifty dollars (\$50.00) upon the second conviction; third and subsequent convictions shall be in accordance with the provisions of Section 202.99.

(Ord. 62. Passed 2-16-59; Ord. 263. Passed 10-16-01.)

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**678.03 OPENING BURNING.**(a) Permits.

- (1) Requirements. No person shall, within the City, set or cause to be set, or burn or cause to be burned, at any time, any combustible material, unless such person obtains from the Fire Chief or his or her duly authorized representative of the Perry Area Fire Department, a permit for such burning.
- (2) Exceptions. There shall be no permit required for fires meeting the criteria listed below in paragraph (b)(2).
- (3) How to obtain. Any person wishing to obtain a permit to burn shall call the Perry Area Fire Department at (517) 625-7611 at least forty-eight hours prior to the date and time that the person wishes to conduct the burning. Such permit shall state the name of the applicant, the address or location where the burning is to take place, and the time and date the fire is to be set.

(b) General Rules for Burning.(1) All fires.

- A. There shall be no burning of any combustible material that creates the emission of smoke or odor in such quantities as to render occupancy of surrounding properties uncomfortable to a person of ordinary sensibilities.
- B. There shall be no burning of any combustible material that may release a toxic emission when burned, including, but not limited to, tires, oil or paint.
- C. There shall be no burning on any paved or concrete portion of any public street or sidewalk.
- D. There shall be no burning within fifteen feet of any existing structure or five feet from any property line.
- E. There shall be no burning unless it is under the charge or supervision of a person of mature years and discretion.
- F. There shall be no burning at any time when the wind or weather conditions may create a nuisance or danger to the property of any person in the vicinity thereof.

- (2) Recreational burning. Recreational burning shall be defined as any fire of logs, brush, charcoal or similar materials around a residence or property, which are burned for the purpose of food preparation or recreation, or where the materials to be burned are to be placed at ground level within a containment pit constructed of masonry or steel no larger than three feet in diameter or covering an area not larger than ten square feet. Recreational burning shall fall under the guidelines of paragraph (b)(1) hereof as well as the guidelines listed below.

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- A. The preparation of food in or on any commercially manufactured grill shall be exempt from all regulations set forth in this section. However, it is recommended that such containers be placed at a minimum distance of three feet from any said structure.
- B. No permit shall be required for recreational burning that falls within the guidelines defined above.

(c) Civil Liability for Cost and Damage.

- (1) Any person who sets an open fire which necessitates calling the City Fire Department or any other fire department shall pay to the City all costs and charges incurred by the City by reason of calling the City Fire Department or any other fire department.
- (2) The City may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by it from any person who sets such an open fire.
- (3) Payment of costs to the Fire Department shall in no way relieve such person from liability for any damage caused by such fire.

(d) Enforcement. The authority for enforcement of this section shall fall under the direction of the City Police Department.  
(Ord. 256. Passed 5-2-00.)

**678.04 JUNK MOTOR VEHICLES.**

(a) Definitions. As used in this chapter:

- (1) "Junked motor vehicle" means any motor vehicle which is partially dismantled or wrecked and which cannot be safely or legally operated. A motor vehicle which is not currently licensed by the Secretary of State will be an indicia that the vehicle is a junked motor vehicle.
- (2) "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-the-road vehicles.
- (3) "Motor vehicle accessory" means any part of any motor vehicle.
- (4) "Private property" means any real property not owned by the Federal government, the State, the County, the City School Board or other public subdivision.
- (5) "Removal" means the physical relocation of a motor vehicle to an authorized location.

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(b) Prohibitions; Declaration of Nuisance. No person owning or having custody of a junked motor vehicle or motor vehicle accessory shall store or permit any such vehicle or accessory to remain on any private property in the City for more than ten days following receipt of a notice requiring the removal of the same. No person owning any private property in the City shall store or permit to remain any such vehicle or accessory on his or her property for more than ten days. Such storage is hereby declared to be a public nuisance and may be abated or removed, and penalties may be imposed as provided in this chapter.

No person, after such notification to remove any junked motor vehicle or motor vehicle accessory from any private property has been given, shall move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.

(c) Exceptions. This chapter shall not apply to any motor vehicle or motor vehicle accessory stored within an enclosed building, or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise and in a storage place or depository maintained in a lawful place and manner. Such business enterprise shall include auto junk yards, auto repair shops and auto body shops, but shall not include automobile service stations or tire, battery and accessory sales stores.

(d) Investigations. The Chief of Police or any member of the Police Department on a routine inspection or upon receipt of a complaint, may investigate a suspected junked motor vehicle or motor vehicle accessory and record the make, model, style, identification numbers and situation.

(e) Notice to Remove. Whenever the Chief of Police or any member of the Police Department finds or is notified that any junked motor vehicle or motor vehicle accessory has been stored or permitted to remain on any private property in the City, the Chief shall send by certified mail, or shall cause to be personally served, a notice to the owner of record of such motor vehicle or accessory, if such owner can be ascertained by the exercise of reasonable diligence, and to the owner of the private property, as shown on the tax assessment records of the City, on which the same is located, to remove the junked motor vehicle or motor vehicle accessory within ten days. Such notice shall also contain the following additional information:

- (1) The nature of the complaint;
- (2) A description and location of the motor vehicle and/or motor vehicle accessory;

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- (3) A statement that the motor vehicle or motor vehicle accessory will be removed from the premises not later than ten days from the date of notification;
- (4) A statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties;
- (5) A statement that if removal is made within the time limits specified, notification shall be given in writing to the Chief; and
- (6) A statement of the penalties provided for noncompliance with such notice.

(f) Removal by City; Costs. Whenever an owner fails to remove a junked motor vehicle or motor vehicle accessory, then the City shall remove the junked motor vehicle or motor vehicle accessory to a location of its selection. The expenses thereof shall be billed to the owner.

(Ord. 189. Passed 7-3-84.)

#### **678.05 NUISANCE ABATEMENT.**

(a) Nuisance Defined. As used in this section, "nuisance" means any condition or use of premises or building exteriors, which condition or use is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or depositing on or the scattering over the premises of any of the following:

- (1) Junk, trash, rubbish or refuse of any kind;
- (2) Abandoned, discarded or unused objects or equipment, such as furniture, stoves, refrigerators, freezers, cans or containers; or
- (3) Building materials, including, but not limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, shingles, mortar, concrete, cement, nails, screws or other materials used in constructing any structure.

(b) Maintenance of Private Property. No person owning, leasing, occupying or having charge of any premises shall maintain or keep a nuisance thereon. No person shall keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises are located.

(c) Investigations. The Chief of Police or a member of the Police Department, on a routine inspection or upon receipt of a complaint, may investigate a suspected nuisance.

(d) Notice to Remove. Whenever the Chief of Police or a member of the Police Department finds or is notified that a nuisance has been permitted to remain on private property in the City, the Chief shall send, by certified mail, or shall cause to be personally served, a notice to the owner of record of such nuisance, if such owner can be ascertained by the exercise of reasonable diligence, and to the owner or occupant of the private property, as shown on the tax assessment records of the City, on which the same is located, to remove the nuisance within ten days. Such notice shall also contain the following information:

- (1) The nature of the complaint;
- (2) A description of and the location of the nuisance;
- (3) A statement that the nuisance will be removed from the premises not later than ten days from the date of notification;
- (4) A statement that the removal from the location, as specified in the notification, to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties;
- (5) A statement that if removal is made within the time limits specified, notification shall be given in writing to the Chief of Police; and
- (6) A statement of the penalties provided for noncompliance with such notice.

(Ord. 190. Passed 7-3-84.)

#### **678.06 WATER POLLUTION.**

(a) No person, public or private, shall discharge into any storm drain, ditch, stream, lake, watercourse or other water, other than the duly established public sanitary sewerage system, any raw sewage, offal, brine, poisonous substance, filth or other substance which is injurious to public health or to the conduct of any industrial enterprise or lawful occupation, or whereby any fish or migratory bird life or wild animal or aquatic life may be destroyed, or the growth or propagation thereof be prevented or injuriously affected, or the value of lawfully taken fish or game be destroyed or impaired as a consequence of the pollution.

No person shall discharge, permit to be discharged or contribute to the discharge of any waste or pollution into any of the waters in, around or near the City in contravention of this chapter.



(b) The pollution standards of the City shall be the same standards as set up by the State Water Resources Commission.  
(Ord. 99. Passed 4-5-66.)

**678.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever violates any of the provisions of Section 678.03 shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty days, or both, at the discretion of the Court.

(Ord. 238. Passed 8-15-95.)