

CITY OF MT. MORRIS
ORDINANCE 15-04

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES CITY OF MT.
MORRIS, MICHIGAN BY ADDING AN ARTICLE RELATIVE TO GENERAL
PUBLIC NUISANCES

THE CITY OF MT. MORRIS ORDAINS:

Section 1

The following Article and sections are added to the City of Mt. Morris Code of Ordinances:

ARTICLE VII – General PUBLIC NUISANCES
Sections 34-150 – 34-155

Section 34-150. Definitions.

- (a) ***CHRONIC NUISANCE PROPERTY:*** Any property upon which two (2) or more nuisance activities or conditions, as defined in this Ordinance, have occurred during any six (6) month period.
- (b) ***DITCH:*** Any artificially constructed open drain or natural drain that has been artificially improved.
- (c) ***DRAIN:*** Any ditch, watercourse or conduit, whether open, covered or enclosed, natural or artificial, or partly natural and partially artificial, by which surface waters coming or falling upon lands are carried away.
- (d) ***GARBAGE:*** Organic waste resulting from preparation, processing, handling, and storage of food and all decayed or spoiled food from any source.
- (e) ***GRAFFITI:*** Any symbol, announcement, insignia, name, identification, inscription, picture, or similar marking, including, without limitation any letter, word, numeral, emblem, or combination thereof that is painted, written, drawn, scratched, marked, etched, sprayed, engraved, or any other way placed on or affixed to any wall, fence, sign, building, or any other structure, or any sidewalk, pavement, curb, post, stone, tree, or other public or private property without the prior written permission of the owner or occupant of the property, except as permitted by federal, state, or county statute, ordinance, or regulation.
- (f) ***HAZARDOUS DILAPIDATED MOTOR VEHICLE:*** Any motor vehicle with a substantial number of essential parts, being either damaged, removed, or altered or otherwise so treated that the vehicle is incapable of being driven under its own motor power or, which by its general state of deterioration, poses a threat to the public's health, safety, and welfare. Essential parts include, but not limited to, vehicle hulks, shells, chassis, frames, front end assemblies, doors,

hatchbacks, fenders, cabs, cab clips, cowls, hoods, trunk lids, deck lids, T-Tops, sunroofs, moon roofs, astro roofs, transmissions of vehicles seats, aluminum wheels, engines and similar parts. Hazardous dilapidated motor vehicle shall not include any motor vehicle that has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations, in a proper facility.

- (g) ***INOPERABLE VEHICLE:*** Any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own power. Any motor vehicle that does not have a current license plate or current license tags attached to it shall also be considered an inoperable vehicle. Inoperable motor vehicle does not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations, in a proper facility. (See also Code Sec. 34-26 to 34-29)
- (h) ***JUNK AND DEBRIS:*** Includes but is not limited to garbage, tree branches, grass clippings, yard trimmings, leaves, paper, cardboard, cartons, boxes, barrels, wood, lumber, concrete, appliances, furniture, glass, bottles, crockery, tin cans, vehicle parts, boats, furniture, and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned with substantial repair) where such object, due to its present condition and/or visibility, may reasonably be construed to be unsightly, dangerous, or creating a condition that is detrimental or potentially detrimental to the health and/or safety of the inhabitants of the city. As used herein, the phrase junk and debris does not include inoperable vehicles.
- (i) ***MOTOR VEHICLE:*** A vehicle which is propelled by a motor or engine, but is not operated upon rails.
- (j) ***OWNER:*** Any person, agent, firm or corporation having any legal or equitable interest in the property. Owner includes, but is not limited to an occupant who can control what occurs on the property.
- (k) ***SPECIFIED LANDSCAPE WASTE:*** All accumulations of shrubbery cuttings, leaves, or other materials accumulated as a result of care of real property.
- (l) ***WEEDS:*** An undesirable composition of plants that interferes with the maintenance or management objectives for a given property or area of land.
- (m) ***NON-CUSTOMARY OUTDOOR STORAGE:*** The accumulation of items in excess of what is reasonable and customarily necessary for the use of the property and/or which, by its placement and/or condition whether reusable or

not has the potential to (1) cause, through visual blight or odor, impairment of the use or enjoyment of neighboring properties, (2) pose a risk to public health by creating conditions favorable for the harboring of vermin, (3) pose a risk of environmental contamination and/or (4) pose a risk to public safety. Such material accumulation may include, but is not limited to junk and debris; rubbish, garbage or refuse; vehicle parts; business supplies or inventory; construction materials not incidental to an active permitted construction project on-site; ground storage of construction materials for a permitted construction project tools, storage of yard maintenance equipment vehicles, vehicle parts, recreational equipment or lawn furniture in numbers or variety beyond customarily necessary for the use of the property; any item in a visible state of deterioration as reasonably evidenced by rust or other condition, abandoned, discarded, or unused objects or equipment, not customarily stored outside such as indoor furniture, stoves, refrigerators, freezers, washers/dryers or other appliances, electronic equipment, boxes and other containers; clothing; or any combinations thereof.

Section 2

DECLARATION OF ACTS CONSTITUTING A PUBLIC NUISANCE. Anything in this Code to the contrary notwithstanding, the following shall constitute PUBLIC NUISANCES. Any provision of this Code in clarification or is amplification hereof shall be read and deemed in *pari materia* herewith.

Section 34-151. PUBLIC NUISANCES; Exterior Property Areas.

- (a) ***INOPERABLE VEHICLE.*** It is a PUBLIC NUISANCE to keep or store any inoperable vehicle on public or private property unless said motor vehicle is:
 - (1) Kept within an enclosed building; or (2) Is stored or kept on premises properly zoned for and engaged in the business of wrecking or junking motor vehicles or an approved vehicle repair use as defined in the Zoning Ordinance.
- (b) ***HAZARDOUS DILAPIDATED MOTOR VEHICLE.*** It is a PUBLIC NUISANCE to place or caused to be placed a hazardous dilapidated motor vehicle, whether on public or private property, in view of the public.
- (c) ***JUNK AND DEBRIS.*** It is a PUBLIC NUISANCE to keep or store junk and debris on public or private property, except in a state-permitted landfill or on premises properly zoned for, and engaged in the business of, a junk yard.
- (d) ***HIGH GRASS AND/OR WEEDS.*** It is a PUBLIC NUISANCE to maintain and/or fail to abate, grass and/or weed growth in excess of that permitted by Code Sections 70-26, et seq or other applicable grass and weed control regulation. Excluded from this provision are the following: (1) Areas preserved within an open space easement or plat-designated natural area; (2) Plant growth that, in the opinion of the Enforcement Officer, enhances, protects, restores or otherwise

supports an identified natural resource; and (3) Plant growth within the tree-line of a natural wooded area.

- (e) ***DISRUPTION OF A DITCH OR NATURAL DRAIN/ STANDING WATER.*** It is a PUBLIC NUISANCE to disrupt, disturb or interfere with any ditches or natural drains across land in such a manner that such ditches or natural drains shall fill or become obstructed with any matter which materially impedes or interferes with the flow of water or redirects water onto another's property, except as otherwise authorized by law, or to otherwise create or permit the continued existence of a condition of standing water where the standing water may facilitate or encourage the breeding of mosquitoes.
- (f) ***STORAGE OF CONSTRUCTION MATERIALS.*** It is a PUBLIC NUISANCE to store lumber or other building materials, construction vehicles, and/or construction equipment, not in connection with a permitted building project in progress on the property.
- (g) ***GRAFFITI.*** It is a PUBLIC NUISANCE for any person to place graffiti on any property or for any person having control of any property to allow, permit, or otherwise tolerate graffiti to be placed on or to remain on that property.
- (h) ***ACCUMULATION OF RUBBISH, GARBAGE OR REFUSE.*** It is a PUBLIC NUISANCE to allow accumulation of rubbish, garbage, or refuse on any property.
- (i) ***ON-SITE WASTE WATER DISPOSAL SYSTEM.*** It is a PUBLIC NUISANCE to maintain and/or operate an on-site wastewater disposal system in a condition that is determined to be detrimental or potentially detrimental to the health and/or safety of the inhabitants of the city including, but not limited to, a cracked/damaged septic tank riser or cover or an exposed drop/distribution box, failure to properly supply, operate or maintain the disinfecting component of a surface discharge onsite wastewater disposal system, or failure to provide required reports of inspection and/or management activities of an onsite wastewater disposal system or system component.
- (j) ***WATER WELL.*** It is a PUBLIC NUISANCE to maintain and/or operate a water well in a condition that is determined to be detrimental or potentially detrimental to the health and/or safety of the inhabitants of the city including, but not limited to, a loose or damaged well cap.
- (k) ***NON-CUSTOMARY OUTDOOR STORAGE.*** It is a PUBLIC NUISANCE to accumulate or allow to be accumulated non-customary outdoor storage on public or private property except in a state-permitted landfill or on premises properly zoned where the property is actually used for the business of a junk yard.

Section 34-152. Structures.

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- (a) ***DANGEROUS STRUCTURES.*** It is a PUBLIC NUISANCE to allow any building, mobile home, shed, fence, or other man-made structure to exist that is hazardous to public health and/or safety because of its condition, faulty construction, lack of proper repair or its openness to intrusion.
 - (b) ***RENTING OR LEASING UNFIT LIVING QUARTERS.*** It is a PUBLIC NUISANCE to rent or lease quarters for human habitation that is properly determined to be unfit for human habitation, or contains conditions that are detrimental to the health of the inhabitants, including but not limited to: a lack of potable water supply or a lack of adequate means of wastewater disposal.
 - (c) ***CHRONIC NUISANCE PROPERTY.*** It shall be a PUBLIC NUISANCE to own, maintain or be a responsible occupant of a chronic nuisance property in the city of Mt. Morris; provided, however, that the owner, lessee or other responsible occupant, must have occupied the subject property in such capacity during the two (2) or more judicial findings that a public nuisance existed.

Section 34-153. Noise.

- (a) ***SOUND AMPLIFICATION.*** It is a PUBLIC NUISANCE to operate or permit operation of any radio or stereo sound amplification system or other sound amplification equipment which: (1) Can be heard at a distance of 100 feet or more from the source vehicle; (2) Can be heard at a distance of 100 feet from the property line of the source property; or (3) Which exceeds 70db (A) (slow meter response) at the property line of any neighboring property zoned and used for residential purposes. (See also Code Sec. 34-96)
- (b) ***CONSTRUCTION NOISE.*** It is a PUBLIC NUISANCE to perform or allow to be performed construction, repair or remodeling work, lawn mowing, or to utilize power or non power tools where the noise from such can be heard from a distance of 100 feet or more from the property line of the source of the noise between sunset or 9:00 p.m. and 8:00 a.m. Excluded from the provisions of this section are lands or portions of any lands zoned and used for agricultural purposes, and work performed by or on behalf of any public body or in response to emergencies.
- (c) ***NOISE FROM OFF ROAD VEHICLES.*** It is a PUBLIC NUISANCE to operate off road motor vehicles, including motorcycles, mini-bikes, all terrain cycles, snowmobiles or other like or similar motor vehicles, (i) on property other than property owned by the operator of said vehicle or on public property or, in the case of unlicensed vehicles, on streets and highways, or on property owned by the Genesee County Land Bank or (ii) in cases where such use of vehicles is upon land owned or occupied by the user or operator, where the noise from which can be heard from a distance of 100 feet or more from the property line of the source of the noise in such a manner as to disturb the peace and comfort of occupants of neighboring or surrounding properties. Excluded from the provisions of this

section are agricultural motor vehicles used for agricultural purposes and work performed by or on behalf of any public body.

Section 34-154. Animals and Pests.

- (a) **PET/ANIMAL FECES OR MANURE.** It is a PUBLIC NUISANCE to allow the buildup on a property of pet/animal feces or manure to the extent that it creates a condition that is detrimental or potentially detrimental to the health and/or safety of the inhabitants of the city.
- (b) **PESTS OR VERMIN INFESTATIONS.** It is a PUBLIC NUISANCE to allow any infestation in a structure or on a property of pests or vermin that may be involved in the transmission of communicable disease, or to fail to remove conditions in a structure or on a property that may permit such infestation.

Section 34-155. Violation

A violation hereof shall constitute a misdemeanor and shall be punishable as provided in the Mt. Morris Code for Misdemeanors.

We the undersigned Mayor and Clerk of the City of Mt. Morris do hereby certify that the above ordinance was adopted by the City Council at a regular meeting on the 12th of October, 2015.

Daniel J. Lavelle, Mayor

Kristina K. Somers, City Clerk

APPROVED AS TO FORM
AND LEGALITY

Charles A. Forrest, Jr.

ADOPTED: 10/12/2015
PUBLISHED: 10/21/2015
EFFECTIVE: 10/22/2015