

CHAPTER 93: NUISANCES

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NUISANCES GENERALLY

§ 93.01 PUBLIC NUISANCES DEFINED.

A public nuisance is any thing, act, failure to act, occupation, use of occupation or use of property which:

(A) Shall annoy, injure or endanger the safety, health, comfort or repose of the public or any number of people;

(B) Shall be offensive to public decency;

(C) Shall obstruct or tend to obstruct, render dangerous for passage or interfere with public use or render unsanitary or unsightly any public thoroughfare, public park, square, street, alley, lane, sidewalk, highway, river, creek, lake or pond;

(D) Shall in any way render any number of persons unsafe, insecure or uncomfortable in life or in the use of public or private property.
(Ord. 142, passed 11-13-72)

§ 93.02 SPECIFIC PUBLIC NUISANCES AFFECTING HEALTH, COMFORT OR REPOSE.

The following are specifically declared to be public nuisances affecting health, comfort or repose:

(A) The creation or maintenance of any pond, pool of water or vessel holding stagnant water;

(B) The possession or maintenance of any carcass of any dead animal or the disposal of the carcass of any dead animal in an unsanitary manner;

(C) The throwing, placing, depositing, burying or leaving of any animal or vegetable substance, dead animals, fish, tin cans, bottles, glass, dirt, excrement, filth, rot, unclean or nauseous water, liquid or gaseous fluids, hay, straw, soot, garbage, swill, animal bones, hides or other waste matter or trash or any other offensive article or substance of whatever nature in any public place or on any public property, street, alley, sidewalk or park at any time; or the throwing, placing, depositing, burying or leaving of any such matter or thing on any private property when the presence of such matter shall be dangerous or detrimental to the public health or likely to cause sickness or attract flies, insects, rodents or vermin or to create such an unsightly appearance as to disturb the comfort or repose of the public or any number of people or to endanger the safety of the public;

(D) The maintenance of any animal or animals, domestic or otherwise, in any public or private place or premises in such a manner as to create an unwholesome, unsightly, malodorous, obnoxious or offensive condition to a person of ordinary sensibilities;

(E) The placing or leaving of any organic waste, matter or fertilizer, other than manure, on the surface of any public or private grounds or premises where such matter or fertilizer shall produce or create any odor whatsoever;

(F) The burning of any trash or other matter, including leaves, in any public place or on any public property, street, alley, sidewalk or park at any time of burning of any trash or other matter on any private property in such a manner that soot, ash, burning embers or other residue shall carry or be carried on to the private property of any other person;

(G) The parking or storing of any unlicensed and inoperative automobile, truck or other motor vehicle on any public or private property for a period of more than 30 days. A vehicle shall be deemed

to be inoperative if it cannot be started and driven under its own power on the public highways or is in such mechanical condition to render it illegal to operate on the public highways under the provisions of the Motor Vehicle Code of the State of Michigan.

(Ord. 142, passed 11-13-72)

§ 93.03 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be specific public nuisances affecting peace and safety:

(A) The keeping or harboring of one or more dogs or of any other domestic or undomestic animal which has bitten, attacked or otherwise injured any person;

(B) The maintenance or keeping of any building, wall or other structure which has been damaged by fire, decay or otherwise or which is in such a condition or is so situated as to endanger the safety of the public;

(C) Any loud or unusual noise or sound or any annoying vibration which shall offend the peace and quiet of any person or persons of ordinary sensibility;

(D) The setting of any grass or brush fires on any lot or parcel, at any time, without first having obtained a permit to burn or set such fire, in writing, from the City Fire Chief;

(E) Hunting of wild animals or fowl within the city is not permitted at any location.
(Ord. 142, passed 11-13-72)

§ 93.04 SPECIFIC PUBLIC NUISANCES CONCERNING NOISE.

(A) It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or peace of others within the city limits of the City of Standish.

(B) The following acts among others are declared to be loud, disturbing and unnecessary noise in violation of this subchapter, but such enumeration shall not be deemed to be exclusive, namely:

(1) The racing or other operation in a competitive manner, or the exhibition or demonstration, for profit or otherwise, of any automobile, motorcycle, snow machine or any other motorized vehicle in or on any public place within the City of Standish or upon any private property within the City of Standish, at any time;

(2) The sounding of any horn or signaling device for an unnecessary or unreasonable period of time, except as a danger warning;

(3) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or engine of any motor vehicle, including motorcycles and snow machines, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
(Ord. 142, passed 11-13-72)

NOXIOUS WEEDS

§ 93.20 WEEDS DECLARED A NUISANCE.

Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, milkweed or other noxious weeds of a like kind such as barberry bushes found growing or planted in any lot or tract of land in the city are declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

(Ord. 210, passed 1-1-00) Penalty, see § 93.99

§ 93.21 HEIGHT.

It shall be unlawful for anyone to permit any weed, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding 12 inches anywhere in the city; any such plants or weeds exceeding such height are declared to be nuisance.

(Ord. 210, passed 1-1-00) Penalty, see § 93.99

§ 93.22 GRASS PLOTS.

Grass plots growing on any public street, sidewalk or alley shall be kept mowed or cut by the abutting owner or owners of the abutting property in accordance with the various provisions of this chapter.

(Ord. 210, passed 1-1-00)

§ 93.23 ABATEMENT.

(A) It shall be the duty of each owner, possessor or occupier of land and every person having charge of any land within the city to cut, remove and destroy all grass and noxious weeds on or before May 15 or each year.

(B) If grass and weeds are not cut by May 15, and as often thereafter as necessary, the duly authorized contractor engaged by the city may enter upon the land and cause all such weeds and grass to be cut and destroyed.

(Ord. 210, passed 1-1-00)

§ 93.24 EXPENSES.

All expenses of such cutting and destroying, including any and all cost incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient to carry out the requirements shall be paid by the owner of such land, plus an administrative charge of \$100 per residential parcel and \$200 per commercial parcel, per cutting.
(Ord. 210, passed 1-1-00)

§ 93.25 NOTICE.

The city shall publish at least once per year a public notice in the Arenac County independent, in the following form:

Public Notice
City of Standish
Notice to Cut and Destroy
All Grass and Noxious Weeds

It shall be the duty of each owner, possessor or occupier of land and every person having charge of any land within the City of Standish to cut, remove and destroy all grass and noxious weeds on or before May 15 of each year.

If grass and weeds are not cut by May 15 and as often thereafter as necessary, the duly authorized contractor engaged by the city may enter upon the land and cause all such weeds to be cut down and destroyed.

Grass and weed growth on all lots in the City of Standish shall not exceed 12 inches in height. Grass and weed growth in excess of this limit will be cause for the city's contractor to enter upon private land and cause such grass and weeds to be cut down and destroyed. All expenses of such cutting, including any and all costs incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient to carrying out the requirements shall be paid by the owner of such land, plus an administrative service fee as stated in Ordinance #210.
(Ord. 210, passed 1-1-00)

§ 93.26 LIEN.

(A) Charges for grass and weed removal by the city contractor shall be a lien upon the property. Whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the official or official in charge of the collection thereof shall, prior to April 1 of each year, certify to the city assessing officer the facts of such delinquency, where upon the city assessing officer shall enter such delinquent charges upon the next general city tax roll as a charge against such premises and the same shall be collected and the line thereof enforced in the same manner as general city taxers against such premises are collected and the lien thereof enforced.

(B) Notice of such lien claim shall be mailed to the owner of the premises on the city tax roll at the last known address; provided, however, that failure of the city to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose therein for such charges.

(Ord. 210, passed 1-1-00)

§ 93.27 FORECLOSURE OF LIEN.

Property subject to a lien for unpaid grass and weed removal charges shall be sold for nonpayment of the same and proceeds for such sale shall be applied to pay the charges after deducting costs and actual attorney fees incurred by the City of Standish. Such foreclosure shall be in equity in the name of the City of Standish.

(Ord. 210, passed 1-1-00)

§ 93.99 PENALTY.

(A) Whoever shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99 of this code of ordinances.

(B) (1) Any person, firm or corporation who shall cause or create or maintain any specific public nuisance set forth in this chapter or who shall cause or create or maintain any condition or thing which may be deemed a public nuisance under the general definition of public nuisance as set forth in §§ 93.01 *et seq.* on any public property or in any public place, street, alley, sidewalk or park at any time shall upon conviction thereof be guilty of a misdemeanor and shall be punished by a fine not exceeding \$100, together with costs of prosecution or by imprisonment in the county jail for a period of 30 days or by both such fine and imprisonment in the discretion of the court.

(2) Any person, firm or corporation who shall cause or create any specific public nuisance set forth in §§ 93.01 *et seq.* or who shall cause or create any condition or thing which may be deemed a public nuisance under the general definition of public nuisance as set forth in § 93.01 on any private property shall immediately abate such public nuisance when ordered to do so by the City Council of the City of Standish or by the City Police Chief of the City of Standish or by the City Health Officer of the City of Standish. Should any person, firm or corporation fail or neglect to obey or remove any public nuisance after receiving notice from the City Council, City Police Chief or City Health Officer, then such person, firm or corporation shall upon conviction thereof be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$100, together with costs of prosecution, or by imprisonment in the county jail for a period of 30 days, or both such fine and imprisonment in the discretion of the court. Upon conviction of any person, firm or corporation under §§ 93.01 *et seq.* for a public nuisance maintained on private property, the city shall have the right and duty to enter upon the property and proceed to remove or abate the cause of the public nuisance and any cost incurred by the city in removing or abating such nuisance shall be charged and billed to the person, firm or corporation so convicted, and should such person, firm or corporation fail to pay the costs incurred by the city in

removing and abating such public nuisance, such expense may be recovered by the city in an action of debt or assumption or the City Council may cause the costs of such abatement to be assessed upon such lot or premises and collected as a special assessment.

(Ord. 142, passed 11-13-72)

CHAPTER 94: TREES

Section

- 94.01 Planting, care and protection of trees
- 94.02 Permit to cut, trim or prune
- 94.03 Gas, salt, brine water, oil or other substances that may kill or injure
- 94.04 Stone, cement or impervious material, minimum opening
- 94.05 Wire, electricity that may injure or kill
- 94.06 Attachments, wires, ropes, chains, signs
- 94.07 Horses, injury or possible injury
- 94.08 Guarding of trees during construction
- 94.09 Grass plots to be kept cut
- 94.10 Removal of utilities
- 94.11 Permit to plant unnecessary
- 94.12 Certain trees prohibited
- 94.13 Regulations
- 94.14 Power to preserve or remove trees
- 94.15 Interference with City Administrator or employees

§ 94.01 PLANTING, CARE AND PROTECTION OF TREES.

The City Council shall have exclusive jurisdiction, authority, control, supervision and direction over all trees, plants, shrubs and grassy areas planted or growing in or upon the public highways and public places of the City of Standish and the planting, removal, care, maintenance and protection thereof. (Ord. 127A, passed - -)

§ 94.02 PERMIT TO CUT, TRIM OR PRUNE.

Except upon the order of the City Council, it shall be unlawful for any person, firm or corporation or the officer or employee of a corporation, without a written permit from the City Council, to remove, destroy, cut, break, climb or injure any tree, plant or shrub or portion thereof that is planted or growing in or upon any public highway or public place within the City of Standish or cause or authorize or procure any person to cut, break, climb, remove, destroy or injure any such tree, plant or shrub or part thereof, or to injure, misuse or remove, or cause, authorize or procure any person to injure, misuse or remove any device set for the protection of any tree, plant or shrub in or upon any public highway or public place. Any person, firm or corporation, or officer or employee of a corporation, desiring for any

lawful purpose to remove, destroy, cut, prune, treat with a view to its preservation from disease or insects or thin any tree, plant or shrub in or upon any public highway or public place shall make application on blanks furnished by the city to the City Council. The application must state the number and kind of trees to be trimmed, removed or treated and the kind and condition of nearest trees upon the adjoining property. If in the judgement of the City Council the desired removing, cutting, pruning, treatment or trimming shall appear necessary, the proposed method and manner shall be such as the City Council shall approve. The City Council shall thereupon issue a written permit for such work. Any work performed under such written permit shall be in strict accordance with the terms thereof and the provisions of this chapter and under the supervision and direction of the City Council or its duly authorized representative.

(Ord. 127A, passed - -)

§ 94.03 GAS, SALT, BRINE WATER, OIL OR OTHER SUBSTANCES THAT MAY KILL OR INJURE.

It shall be unlawful for any person, firm or corporation owning, using or having control or charge of gas or other substances deleterious to tree life to allow such gas or other deleterious substance to escape or come into contact with the soil surrounding the roots of any tree, shrub or plant in any public highway or public place in such manner as may kill, destroy or injure any tree, shrub or plant. It shall be unlawful for any person to cause any salt, brine, oil or other substance deleterious to tree life to flow into the soil about the base of any tree, shrub or plant so as to injure or damage the same. It shall be unlawful for any person, firm or corporation to deface with paint, whitewash or other materials, trees or shrubs in any public highway or public place.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 94.04 STONE, CEMENT OR IMPERVIOUS MATERIAL, MINIMUM OPENING.

It shall be unlawful for any person, firm or corporation, without a written permit from the City Council, to place or maintain upon the ground around any tree, plant or shrub in any public highway or public place, any stone, cement or other impervious material or substance in any manner which may prohibit the free access of air and water to the roots of any tree, plant or shrub. Unless otherwise permitted, there shall be at least nine square feet of ground for each tree, three inches in diameter, and for every two inches of increase of such diameter, there shall be an increase of at least one square foot of open ground maintained about the base.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 94.05 WIRE, ELECTRICITY THAT MAY INJURE OR KILL.

It shall be unlawful for any person, firm or corporation to cause any wire or other conductor, charged with electricity, to come into contact with any tree, plant or shrub in or upon any public highway or public place in such manner as to injure or abrade, destroy or kill the same.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 94.06 ATTACHMENTS, WIRES, ROPES, CHAINS, SIGNS.

It shall be unlawful for any person, firm or corporation to attach or keep attached to any tree, plant or shrub in or upon any public highway or public place or to a guard or stake intended for the protection of such tree, any rope, wires, chains, signs or other device whatsoever, except for the purposes of protecting it or the public.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 94.07 HORSES, INJURY OR POSSIBLE INJURY.

It shall be unlawful for any person, firm or corporation to tie any horse or other animal to any tree, plant or shrub to allow, cause or procure it to injure any tree, plant or shrub in or upon any public highway or public place.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 94.08 GUARDING OF TREES DURING CONSTRUCTION.

During the erection, repair, alteration or removal of any building or structure, it shall be unlawful for any person or persons responsible for such erection, repair, alteration or removal to leave any tree in or upon any public highway or public place in the vicinity of such building or structure without a good and sufficient guard or protector which will prevent injury thereto. The moving of trees, plants or shrubs in or upon any public highway or place necessitated by the moving of any building or structure or for any other purpose shall be done by or under the supervision of the City Council, at the expense of the applicant. Should the moving or replanting cause the death of such tree, plant or shrub, the applicant shall replace the same at his or her expense.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 94.09 GRASS PLOTS TO BE KEPT CUT.

Grass plots growing on any public street or alley shall be kept mowed or cut by the owner or owners of the abutting property. When the grass, weeds or brush in such places are 12 inches or more in height, they shall be considered to be in violation of this chapter. In case the owner or owners shall refuse to mow or cut such grass, weeds or brush, upon receiving written notice to do so from the City Council, it shall be the duty of such City Council after ten days from the date of service of such written notice to cause the mowing or cutting to be done and the cost thereof shall be a charge upon the abutting real property. The cost shall be certified by the City Council to the City Treasurer and shall thereupon become and be a lien upon the property, shall be included in the next tax statement rendered to the owner or owners thereof, unless paid prior thereto, and shall be collected in the same manner as other taxes against such property.

(Ord. 127A, passed - -)

§ 94.10 REMOVAL OF UTILITIES.

The City Council may, 24 hours after service of a written notice upon any person or utility company, require the temporary removal of any utility conduit, wires, conductors, pipeline or appurtenances thereto for the purpose of the removal or pruning of any tree or shrub growing upon a public highway or place.

(Ord. 127A, passed - -)

§ 94.11 PERMIT TO PLANT NECESSARY.

(A) It shall be unlawful for any person, firm or corporation to plant or set out any tree, plant or shrub in or upon any part of any public highway or public place without obtaining a written permit from the City Council and complying with the conditions therein set forth in this chapter. All applications for such permit shall be made on blanks furnished by the City Council and shall describe the planting contemplated and the variety, size and precise location of each tree, plant or shrub. Upon the receipt of the application, the City Council, or its representative, shall investigate the locality and type of tree, plant or shrub to be planted and shall grant a permit, if in his or her opinion the location is such as to permit normal growth and development thereof. The permit shall specify the location, variety and grade of each tree and means of planting. The permit shall be valid only for the planting season stated thereon.

(B) All planting plans shall show the following:

(1) Existing or proposed streets, together with any plans of pavement, curb, gutter, parking strip or sidewalk areas;

(2) The existing and proposed location of each and every tree, together with the location of each existing tree within the existing or proposed street lines;

(3) The variety of each and every tree proposed to be planted;

(4) The distance between trees in any one row in feet.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 94.12 CERTAIN TREES PROHIBITED.

It shall be unlawful for any person, firm or corporation to plant a poplar, box elder, basswood, Chinese Elm, soft maple or willow tree within any public highway within the limits of the city and not in accordance with the Standish Master Tree Plan, the roots of which will penetrate over, on or under the surface of any public highways, sewers or drains.

(Ord. 127A, passed - -) Penalty, see § 10.99

§ 94.13 REGULATIONS.

The following regulations are established for the planting, trimming and care of trees in or upon the public places of the city:

- (A) Trees must not be less than one inch in diameter of trunk, one foot above the ground;
 - (B) All trees from one to three inches in diameter of trunk one foot above the ground must be protected and supported by tree guards. When guarded with one stake only, the stake must be toward the prevailing wind;
 - (C) No tree shall hereafter be planted within 15 feet of the intersection of a public sidewalk at any corner;
 - (D) In cutting trees down, the same shall be removed with the root stump grubbed out, when so required by the city;
 - (E) All cuts, cleavages or abrasions over one inch in diameter shall be properly sealed against the elements;
 - (F) Trees shall hereafter be planted at least 30 feet apart, except where a special permit is obtained from the City Council;
 - (G) No tree shall be planted where the clear space between the curb and the sidewalk is less than two feet;
 - (H) No tree shall be planted nearer than one foot from the curb line or outer line of the sidewalk unless a special permit is granted by the City Council;
 - (I) No tree shall be planted on any street except of the variety selected by the City Council for that street.
- (Ord. 127A, passed - -)

§ 94.14 POWER TO PRESERVE OR REMOVE TREES.

The City Council shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lands, lanes, squares and public grounds as may be necessary to insure safety or preserve the symmetry and beauty of such public grounds. The City Council, under the power here given, may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers or other public improvements or is affected with any injurious fungus, insect or other pest. The City Council shall also have power to enter upon any private property in the city and to spray or otherwise treat or cause or order to be sprayed or otherwise treated any tree or shrub or plant infected or infested by any parasite or insect pest when it shall be necessary in its opinion to do so, to prevent the spreading or scattering

of any parasite or insect pest and to prevent danger therefrom to trees and shrubs planted in the public streets or other public places and, whenever in the opinion of the City Council, trimming, treatment or removal is deemed wise, the City Council shall have the power to trim, treat or remove any such tree or shrub or cause or order the same to be trimmed, treated or removed. The cost of the removal of a tree or trees from private property by the City Council shall be a charge upon the private real property from which such tree or trees shall have been removed. The cost shall be certified by the City Council, to the City Treasurer, and shall thereupon become and be a lien upon such private property and shall be included in the next tax statement rendered to the owner or owners thereof unless paid sooner and shall be collected in the same manner as other taxes against such property. Notice to remove under this section shall be served personally at least ten days before such removal on the owner or agent of the property, unless in the opinion of the City Council immediate removal be necessary for public safety.

(Ord. 127A, passed - -)

§ 94.15 INTERFERENCE WITH CITY ADMINISTRATOR OR EMPLOYEES.

It shall be unlawful for any person, firm or corporation to prevent, delay or interfere or cause or authorize or procure any interference or delay with the City Council or any of its employees, agents or servants while they are engaged in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees, plant or shrub in or upon any public highway or public place or upon any private grounds as authorized in § 94.14 or in removing any device attached to such tree, plant or shrub or in such removing of stone, cement, sidewalk or other materials or substance as may be necessary for the protection and care of any such tree, plant or shrub in accordance with the requirements set forth in § 94.04 as to the area of open grounds to be maintained about the base of the trunk of each tree in the public highways or other public place in the city.

(Ord. 127A, passed - -) Penalty, see § 10.99

CHAPTER 95: STREETS AND SIDEWALKS

Section

[RESERVED]

