

Chapter 12

ENVIRONMENT*

Article I. In General

Secs. 12-1 – 12-30. Reserved.

Article II. Refuse, Junk and Blight

Sec. 12-31. Definitions.
Sec. 12-32. Purpose.
Sec. 12-33. Dumping or storing trash on street or other public place.
Sec. 12-34. Dumping or storing materials harboring vermin.
Sec. 12-35. Accumulation of trash or junk on private property.
Sec. 12-36. Blighted structures.
Sec. 12-37. Storage of building materials.
Sec. 12-38. Removal of junk vehicles by city.
Sec. 12-39. Extension of time limit for removal of junk vehicle.
Sec. 12-49 – 12-60. Reserved.

Article III. Noxious Weeds

Sec. 12-61. Cutting required.
Sec. 12-62. Declaration of nuisance.
Sec. 12-63. Notice to abate.
Sec. 12-64. Abatement by city upon failure to comply with notice.
Sec. 12-65. Emergency abatement.
Sec. 12-66. Right to entry.
Sec. 12-67 – 12-90. Reserved.

Article IV. Noise

Sec. 12-91. Purpose.
Sec. 12-92. Prohibited noise.
Sec. 12-93. Exceptions.
Sec. 12-94. Abatement of nuisances.

*Cross references – Animals, ch. 4; buildings and building regulations, ch. 6; community development, ch. 10; land divisions and subdivisions, ch. 16; parks and recreation, ch. 22; streets, sidewalks and other public places, ch. 32; utilities, ch. 38.

State law reference – Natural resources and environmental protection act, MCL 324.101 et seq.

POTTERVILLE CODE

ARTICLE I. IN GENERAL

Secs. 12-1 – 12-30. Reserved.

**ARTICLE II. REFUSE, JUNK AND
BLIGHT***

Sec. 12-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blighted structure includes, without limitation, any dwelling, garage, or outbuilding, or any factory, shop, store, office building, warehouse or any other structure or part of a structure, which because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

Building materials includes, without limitation, lumber, brick, concrete or cinderblocks, lumbering materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, or cement, nails, screws, or any other materials used in constructing any structure.

Junk includes, without limitation, parts of machinery or motor vehicles, broken or unusable furniture, stoves, refrigerators or other appliances, remnants of wood, metal or any other cast-off material of any kind, whether or not the same could be put to any reasonable use.

Junk motor vehicles includes, without limitation, any vehicle which is not licensed for use upon the highways of state for a period in excess of 30 days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 30 days. There is expected from this definition unlicensed, but inoperative, vehicles which are kept as the stock in trade of a regularly licensed

and established dealer of new or used automobiles or other motorized vehicles. The time limit such vehicles may remain upon the premises of a motor vehicle garage shall be a period of 120 days rather than 30 days, with an extension of an additional 30-day period upon presentation to the enforcing officer of written proof that the offending vehicle is involved in insurance claims litigation or a similar matter and additional time is required for settlement before a vehicle can be moved.

Person includes all natural persons, firms, co-partnerships, and corporations and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this article, whether as owner, occupant, lessee, agent, servant, or employee, shall, except as otherwise provided in this article, be equally liable as principals.

Trash, rubbish and refuse include any and all forms of debris not otherwise classified in this section.

(Code 1972, § 53-2)

Cross reference – Definitions generally, § 1-2.

Sec. 12-32. Purpose.

It is hereby determined that the storage or accumulation of refuse, trash, rubbish, junk, junk vehicles, or building materials and the maintenance of blighted structures upon any private property within the city tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, and increase in criminal activity, and, therefore, is contrary to the public peace, health, safety and general welfare of the community.

(Code 1972, § 53-3)

Sec. 12-33. Dumping or storing trash on street or in public place.

No person shall dump, place or keep any trash, refuse or rubbish of any kind upon any street or public place of the city, unless the trash, refuse or rubbish is in a container for the

*State law references – Abandoned vehicles, MCL 257.252 et seq.; littering, MCL 324.8901 et seq.

purpose of rubbish collection by the city or by recognized rubbish collectors.

(Code 1972, § 53-4)

Sec. 12-34. Dumping or storing materials harboring vermin.

No person shall dump, place or keep any trash, refuse or rubbish of any kind, building materials or other materials upon any lot or premises in the city in a manner as to, or which does, harbor rats or other vermin or which serves as a breeding place for mosquitoes or other noisome insects; provided, however, that the prohibitions of this section shall not prevent the placing of building materials upon any lot or premises for the purposes of the building of any structure which is in the course of construction or is to be built within 90 days after such materials are placed upon the premises.

(Code 1972, § 53.5)

Sec. 12-35. Accumulation of trash or junk on private property.

It shall be unlawful for any person to store or to permit the storage or accumulation of trash, rubbish, junk, or junk vehicles on any private property in the city except within a completely enclosed building or upon the premises of a properly zoned licensed or approved junk dealer, junk buyer, dealer in used auto parts, or dealer in secondhand goods or junk.

(Code 1972, § 53-6)

Sec. 12-36. Blighted structures.

It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, and the windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by unauthorized persons, or unless such structure is in the course of construction in accordance with a valid building permit issued by the city, and unless such construction is completed within a reasonable time.

(Code 1972, § 53-7)

Sec. 12-37. Storage of building materials.

It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock in trade or business located on the property, or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the city, and unless such construction is completely within a reasonable time.

(Code 1972, § 53.8)

Cross reference – Buildings and building regulations, ch. 6.

Sec. 12-38. Removal of junk vehicles by city.

The mayor, city clerk or enforcement officer or the duly authorized representative of such officials may remove or cause to be removed any junk vehicle or parts thereof from any unenclosed private property after having notified, in writing, the owner or occupant of such property of his intention to do so at least 48 hours prior to such removal. Such junk vehicles or parts thereof shall be removed and disposed of in accordance with the law. The cost of hauling away and disposing of the junk vehicle(s) or parts thereof may be charged to the person who appears as owner or party in interest upon the last local tax assessment records of the City and shall be collected in the same manner as other taxes are collected. The City shall have a lien upon such lands for such expense, which shall be enforced in the same manner prescribed by the general laws of the State providing for the enforcement of tax liens. Such removal by the designated enforcement official shall not excuse or relieve any person of the obligation imposed by this article to keep his property free from storage or accumulation of junk vehicles or parts thereof, nor from the penalties for violation thereof.

(Ord. No. 2016-243, § 12-38, 1-3-2017)

Sec. 12-39. Extension of time limit for removal of junk vehicles.

A resident may petition the city council to

ENVIRONMENT

extend the 30-day time limit, as set forth in the definition of junk motor vehicles in section 12-31. The city council may grant an extension only in exceptional circumstances, and in granting an extension may impose other requirements, such as requiring that it be enclosed within a building, requiring that it be covered by a manufactured car cover, and designating the location on the property in which the automobile may be stored. The city council, in granting an extension of time, may not grant an extension in excess of 120 days. (Code 1972, § 53-11)

ARTICLE III. NOXIOUS WEEDS

Sec. 12-61 Cutting Required.

(a) No person who is the owner, possessor, or occupier of lands within the city shall fail to cut down or pull out all ragweed (*Ambrosia elatior* L.), Canada thistle (*Cirsium arvense*), doddlers (any species of *Cuscuta*), mustards (charlock, black mustard, and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Cancus carote*), poison ivy (*Rhus toxicodendron*), poison sumac (*Rhus vernix*), or other noxious weeds, or any weed or grass, the height of which is 8 inches or greater, growing thereon or on the parkway adjacent to the streets or alleys of the city, as often in each year as shall be sufficient to prevent them from going to seed, and to prevent ragweed from going to blossom. (Ord. No. 104, § 53-11.1, 8-14-1978)

(b) No person shall release or cause to be released into the storm drainage system any substance not composed entirely of storm drain water, including, but not limited to, grass clippings, yard waste, animal waste, or any other non-waste substance. Violations shall be subject to enforcement of general provisions. (Ord. No. 2016-243, § 12-61, 1-3-2017)

Sec. 12-62. Declaration of nuisance.

The noxious weed described in section 12-61, or any tree, shrub, or plant, including weeds, which endangers public property or the health or safety of the public, are hereby declared to be a public nuisance. (Ord. No 104, § 53-11.2, 8-14-1978)

Sec. 12-63. Notice to Abate.

The building inspector shall give written notice to the owner or occupier of the premises upon which such nuisance is located, or which

Sec. 12-64. Abatement by city upon failure to comply with notice.

If, at the expiration of the time limit in the notice provided for in section 12-63, the owner has not complied with the requirements thereof, the building inspector shall take such steps as, in his judgment, may be necessary to abate such nuisance. The cost of such abatement shall be charged against the premises, and the owner thereof, in accordance with the provisions of chapter 30. (Ord. No. 104, § 53-11.4, 8-14-1978)

Sec. 12-65. Emergency abatement.

The building inspector may abate any public nuisance under this article without giving notice if the public health or safety requires immediate attention. The cost of abating such nuisance may be charged against the premises, and the owner thereof, in accordance with the provisions of chapter 30. (Ord. No. 104, § 53-11.5, 8-14-1978)

Sec. 12-66. Right of entry.

The building inspector and his authorized representatives are hereby empowered to enter upon any premises in the city for the purpose of destroying noxious weeds under the provisions of this Code, and no person shall molest or interfere with the building inspector or his authorized representatives while he or they are engaged in destroying noxious weeds as provided in this article. (Ord. No. 104, § 53-11.6, 8-14-1978)

Secs. 12-67 – 12-90. Reserved.

ARTICLE IV. NOISE†

Sec. 12-91. Purpose.

It is found and declared that:

†State law reference – Motor vehicle mufflers, MCL 257.707 et seq.

State law reference – Noxious weeds, MCL 247.61 et seq.

POTTERVILLE CODE

- (1) The making and creation of loud, unnecessary or unusual noises within the limits of the city is a condition which has existed for some time and the extent and volume of such noises is increasing;
- (2) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the city; and
- (3) The necessity and the public interest for the provisions and prohibitions contained and enacted in this article is declared as a matter of legislative determination and public policy, and such provisions are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the city and its inhabitants.

(Ord. No. 145, § 55.1, 11-8-1993)

Sec. 12-92. Prohibited noise.

It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any excessive, unnecessary, or unusually loud noise, or any noise which either annoys or disturbs a reasonable person of normal sensitivities or injuries, or endangers the comfort, repose, health, peace or safety of others within the city. The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive. Each such act which either continues or is repeated more than one-half hour beyond its inception shall be considered and may be prosecuted as a separate violation of this article.

- (1) Horns and signal devices. The sounding of and horn or signal device on any automobile, motorcycle, bus, train, or other vehicle while not in motion, except

as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal after or as brakes are being applied and decelerating of the vehicle has begun; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time, not to exceed 15 minutes.

- (2) Radios, phonographs, and musical instruments. The playing of any radio, phonograph, television set, amplified or unamplified musical instrument, loud-speaker, tape recorder, compact disc player, or other such electronic sound-producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital, or other type of residence, or of any persons in the vicinity. The operation of any such musical instrument or electronic sound-producing device in such a manner as to be plainly audible at a distance of 50 feet from the vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) Shouting and whistling. Yelling, shouting, hooting, whistling, singing, or the making of any loud noises on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office, or of any persons in the vicinity, unless warning of imminent danger.
- (4) Hawking. The hawking of goods, merchandise, or services in a loud or disturbing manner.
- (5) Animal and bird noises. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person. Such noise may not exceed 15 minutes.

ENVIRONMENT

- (6) Whistles or sirens. The blowing of any whistles or sirens, except to give notice of the time to begin or stop work or as a warning of fire or danger.
- (7) Engine exhaust. The discharge into the open air of the exhaust of any steam engine, or stationary internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom.
- (8) Construction noises. The erection (including excavation therefor), demolition, alteration, or repair of any building, and the excavation of streets and highways on Sundays, and other days, except between the hours of 7:00 a.m., and 8:00 p.m., unless a permit or authorization is first obtained from the city manager.
- (9) Devices to attract attention. The use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention for any purpose.

(Ord. No. 145, § 55.2, 11-8-1993)

(Ord. No. 2016-243, § 12-92, 1-3-2017)

Sec. 12-93. Exceptions.

None of the terms or prohibitions of this article shall apply to or be enforced against:

- (1) Any city-owned vehicles engaged in business of the city.
- (2) Excavations or repairs of bridges, streets or highways by or on behalf of the city or the state, during the night season, when the public welfare and convenience renders it impossible to perform such work during the day.
- (3) Special events (such as musical or theatric performances) where the Council or City Manager has given written permission.

(Ord. No. 145, § 55.3, 11-8-1993)

(Ord. No. 2016-243, § 12-93, 1-3-2017)

Sec. 12-94. Abatement of Nuisances.

Whenever any nuisance caused by unlawful noise prohibited in this article shall be found on any premises or in any streets, or elsewhere in the city, contrary to this article, the mayor and police chief or police officers are each hereby respectively authorized in their reasonable dis-

cretion to cause the same to be summarily abated in such reasonable manner as they may think best, acting personally or through their duly authorized representatives.
(Ord. No. 145, § 55.4, 11-8-1993)

Chapter 13

RESERVED

