

THE CITY OF AUGRES HEREBY ORDAINS:

ORDINANCE NO. 17

PUBLIC NUISANCE

AN ORDINANCE DEFINING PUBLIC NUISANCE, prohibiting there creation or maintenance, and providing penalties and procedures for abatement.

THE CITY OF AUGRES ORDAINS:

Section 1. Public Nuisances Defined:

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

1. Shall annoy, injure or endanger the safety, health, comfort or repose of the Public or any number of people.
2. Shall be offensive to Public decency.
3. Shall obstruct or tend to obstruct, or 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.
4. Shall in any way render any number of persons unsafe, insecure, or uncomfortable in life or in the use of Public or Private property.

Section II. Specific Public Nuisances Affecting Health, Comfort or Repose:

The following specifically declared to be Public Nuisances affecting health:

1. The creation or maintenance of any pond, pool of water, or vessel holding stagnant water.
2. 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.
3. 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.

4. The maintenance of any animal or animals, domestic or otherwise, in any public or private place or premise, in such a manner as to create an unwholesome, unsightly, malodorous, obnoxious or offensive condition to a person of ordinary sensibilities.

5. 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. It shall be deemed a Public Nuisance per se to deposit or leave on any public or private premises any beans or other surplus or waste vegetables at any time or for any period of time.

6. The burning of any trash or other matter, other than leaves, in any public place or on any public property, street, alley, sidewalk or park at any time; or the 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 unto the private property of any other person.

Section III. Public Nuisances affecting Peace and Safety:

The following are hereby declared to be Specific Public Nuisances affecting peace and safety:

1. 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.

2. 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.

3. 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.

4. 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 Marshall.

Section IV. Penalty, Notice and Abatement:

1. Any person, firm, or corporation who shall cause or create or maintain any specific public nuisance setforth in this ordinance, 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 setforth in this ordinance, 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 setforth in this ordinance, 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 setforth in this ordinance, on any private property, shall immediately abate such public nuisance when ordered to do so by the City Council of the City of Au Gres or by the City Marshal of the City of Au Gres, or by the City Health

Officer of the City of Augres, Should any person, firm or corporation fail or neglect to obey or remove any public nuisance after receiving notice from the City Council, City Marshal, or City Health Officer, then such person, firm or corporation shall 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 this Ordinance 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 assumpsit, 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.

Section V.

If any of the provisions of this Ordinance are declared invalid by a Court of competent jurisdiction, such invalidity shall not effect the remaining provisions of this Ordinance.

Section VI.

The Specific Public Nuisances set forth in Section II and III of this Ordinance shall not be deemed to be exclusive and any thing, act, failure to act, occupation, or use of premises which shall constitute a Public Nuisance under the definition contained in Section I of this Ordinance shall be deemed a Public Nuisance to the same extent as if it were set forth specifically in Sections II or III of this Ordinance.

Section VII.

Nothing contained in this Ordinance shall be deemed to lessen or impair any powers which the City of Augres may have under the Fourth Class Cities Act of the State of Michigan.

Section VIII.

This Ordinance shall become effective twenty-one days after its passage. The City Clerk shall cause this Ordinance to be immediately published in the Arenac County Independent.

WE HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY ENACTED BY THE CITY COUNCIL OF THE CITY OF AUGRES ON APRIL 7, 1966.

Emma Hatcher, Clerk

Christian Miller, Mayor

NUISANCES

1. Nuisance Defined and Prohibited. Whatever annoys, injures or endangers the safety, health, comfort, or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to whatever is forbidden by any provision of this Ordinance. No person shall commit, create, or maintain any nuisance.

2. Nuisance. The following things, acts, failures to act, and uses of property are hereby specifically enumerated, but not by way of limitation, and declared to be public nuisances and are hereby expressly prohibited as follows:

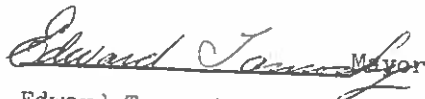
- a. No person shall burn any garbage, hides, feathers, animal matter, or any other matter, the burning of which may emit offensive odors, within the City of Au Gres.
- b. No person shall burn leaves, papers, refuse, or kindle any open fire in any manner which may be or which may cause a fire hazard, within the City of Au Gres.
- c. No person shall maintain or operate any slaughterhouse, or other premises, place, room or shop where animals or fowl are killed or slaughtered without first obtaining a permit therefor from the City Council.
- d. No person shall distribute or give away any drug, medicine or any chemical compound or mixture containing drugs or medicine upon any public street, alley or other public place, or by going in or upon private premises or property.
- e. No person shall solicit funds or conduct any "tag day" upon the public streets of the City of Au Gres without first securing a permit from the City.
- f. No person shall solicit, peddle, or hawk merchandise, nor solicit orders for the sale of merchandise or service either on the public streets nor from door to door, without first obtaining a permit from the City therefor.
- g. No person shall maintain any tree the roots of which are causing damage to any public sewer, sidewalk, pavement or other public property, nor shall any person set out or plant any tree in the public street or public right-of-way, without a permit from the City Clerk.
- h. No person shall permit or allow any manure, offal, rubbish, rubble, refuse, junk or waste paper to collect or lie upon any property owned or occupied by him in such a manner that may attract flies, vermin or rodents, or as to emit offensive odors, or that may annoy or offend ordinary public decency.

- i. No person shall attach, post or paint any sign advertisement or other written or printed matter or any picture or device upon any lamp post, electric light or telephone pole, tree, hydrant, bridge, pavement, sidewalk, street, or public property located within or on any public street, alley or other place within the City.
- j. No person shall throw, scatter or deposit, or cause to be thrown, scattered or deposited, any poster, handbills, cards or other written or printed matter or any waste paper in any public street, alley or public place, nor shall any person leave or deposit the same or cause the same to be left or deposited on any motor vehicle or other private property in such a manner as to permit them to be blown or fall on any street, alley or other public place.
- k. No person shall deposit, place or throw any dead or sick or injured animal, or part thereof, or any garbage, rubbish or other animal or organic matter into any reservoir or into or upon the banks of any stream, lake, pond, sewer or well within the City.
- l. No person shall operate or maintain an automobile wrecking yard nor a yard for storage of second hand building material, or for any other storage of used automobile parts, junk, cinders, or other materials the piling of which or open storage of which may be offensive to owners or residents of the City.
- m. No person or persons shall use or operate a mechanical loud speaker or amplifier or similar device on any truck, or other moving vehicle or elsewhere, except within a building when the sound emitted therefrom is confined to said building, without first obtaining a permit therefor from the City.
- n. No person, firm or corporation, or owner of land shall allow noxious weeds to go to seed within the City; and it shall be the duty of every owner, possessor or occupant of land, within the City of AuGres, and of every person or persons, firm or corporation having charge of any such lands, to cut, or cause to be cut down and be destroyed all Canada thistles, milkweed, wild carrots, oxeye daisies, and all other noxious weeds growing thereon, at least twice in each year, once before the first week in July of each year and again before the first week in September of each year, and as much oftener as may be necessary to prevent them from going to seed, or becoming a fire hazard.

3. Owner's Responsibility. It is hereby declared unlawful for any person, corporation, or unincorporated group of persons, to cause, erect, maintain, allow to exist, or allow any conditions to exist, which may result in a public nuisance within the City of AuGres. The owner or owners of any parcel of land or building, tenant, or occupant thereof, or person in possession of or having charge of said land or building shall be hereby charged with notice of the existence of any public nuisance in or upon said lands, or building and subject to the provisions of the Ordinance.

4. Penalty. Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this ordinance shall be guilty of a misdemeanor. Upon conviction thereof before any Court of the County, the punishment shall be a fine not to exceed \$100.00 plus court costs, and/or imprisonment not to exceed 90 days, or both. Each day of continuing violation shall be construed as a separate offense hereunder.

Effective: May 25, 1978


Edward Tarnosky


Dorothy Hill