

Chapter 70

NUISANCES

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[HISTORY: Adopted by the Village Council of the Village of Bellaire 12-3-1992 by Ord. No. 27-1992. Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous spills — See Ch. 42.
Noise — See Ch. 62.

Inoperable vehicles — See Ch. 118.
Weeds — See Ch. 131.

§ 70-1. Definitions.

The following definitions shall apply in the interpretation of this chapter:

BUILDING MATERIALS — Includes but is not limited to lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in construction of any structure.

GARBAGE — Rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that are related to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

JUNK — Any personal property which is or may be salvaged for reuse, resale or reduction, or which is possessed, accumulated or dismantled for any of the aforesaid purposes. By way of example and not limitation, the term shall include used or salvaged metals and their compounds or combinations, used or salvaged rope, rubber or car parts.

PERSON — An individual, firm or corporation.

RUBBISH — Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, wood, glass, bedding, crockery, bags, rags and demolished building materials.

SEALED CONTAINER — A covered, closable container which is rodent proof, fly proof and watertight, such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.

TOTALLY CLOSED STRUCTURE — A building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor and walls or closable doors around its perimeter.

§ 70-2. Enumeration of nuisances.

The following are hereby declared to be nuisances:

- A. The keeping or storage of ashes, junk, garbage or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for the purpose of holding such ashes, junk, garbage or rubbish.
- B. The placing of ashes, junk, garbage, rubbish or dead animals on private property without the owner's permission, or on any street or alley, or on any public property. This provision applies regardless of whether the ashes, junk, garbage, rubbish or dead animal is in a sealed container.
- C. The keeping or storage of junk, garbage, rubbish or dead animals on private property, including inside a building or in a house, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source or habitation of insects, rodents or vermin, emit offensive or unhealthy odors, or are kept or stored so as to permit them to be scattered on adjoining property by the wind, animals or other means.
- D. Intentional depositing of oil, gasoline or industrial wastes on the ground.
- E. The pollution of any well or cistern, stream or body of water by sewage, industrial wastes or other substances.
- F. The existence of any structure or damaged partial structure which, because of fire, wind or other natural disaster or physical deterioration, is no longer habitable if a dwelling, nor currently useful for any other purpose for which it may have been intended.
- G. The existence of any vacant building, garage, house or outbuilding unless such structure is kept secure from entry by the public.
- H. The distributing, placing, posting or fixing of posters, notices or handbills on public buildings, public property, lamp posts or utility poles except as may be authorized or required by law.
- I. The distribution, placing, posting or fixing of posters, notices or handbills on private property without consent of the owner or occupant except as authorized or required by law.
- J. The keeping or maintaining of any fierce, vicious or dangerous dog or other animal so as to allow or permit such dog or other animal to be upon any public street, alley or other public place, unless securely muzzled and led by a leash.
- K. The keeping or maintaining of any animal, including but not limited to dogs, cats, snakes, mice, rats, gerbils and hamsters, that is infected with rabies, the mange or other diseases so as to allow such animal to run at large within the Village.
- L. Except as permitted in Chapter 30 of the Village Code, the keeping or confining of cows, horses, pigs, sheep, goats or fowl within the Village. [Amended 8-3-11 by Ord. No. 3-2011]

- M. The outdoor burning of any garbage, rubbish or animal hides, feathers or other organic animal matter or any burning that causes dense smoke, noxious fumes, gas or soot, or cinders in unreasonable quantities.¹
- N. Maintaining the exterior of any building in a condition in which its windows are not glazed (i.e., the windows are boarded up), exterior surfaces are not kept in good repair (i.e., roofs with tarps, doors off hinges, general unkempt appearance), and porches and stairs are not kept stable and free of cracked boards and/or blocks. [Added 8-6-2003 by Ord. No. 13-2003, 8-18-05 by Ord. No. 5-2005]
- O. No person owning, harboring, keeping, possessing or in charge of an animal shall permit, cause, suffer, or allow such animal to discharge its excreta upon any parking lot, public thoroughfare, walking path, sidewalk, street, highway, road, boulevard, school property, cemetery, passageway, bypass, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without permission of the owner of such property, unless such person uses an appropriate device for the transmission of such excreta immediately by a person to a suitable receptacle or location. [Added 5-3-2006 by Ord. No. 1-2006]
- P. The keeping or maintaining of dog or other animal so as to allow or permit such dog or other animal to be upon any public street, alley or other public place, unless led by a leash, not greater than six (6) foot. [Added 5-3-2006 by Ord. No. 1-2006]
- Q. No owner, lessee, tenant or occupant shall allow the growth of grass or weeds over eight (8) inches or more in length for more than seven (7) days and in the area between said lot or land and the traveled portion of any alley, street, or road which adjoins said lot or land on which grass or weeds are found growing. Residential, commercial and industrial undeveloped land owners shall cut or otherwise destroy the grass or weeds described in §70-2(Q) at a distance of not less than fifteen (15) feet from the traveled portion of any street, alley or road. [Added 6-21-06 by Ord. 6-2006, Amended 9-20-06 by Ord. No. 16-2006; Amended 7-2-08 by Ord. No. 8-2008]
- R. [Repealed in its entirety 6-4-14 by Ord. No. 2-2014].

For all other subsections of Section 70-2(S) the violation will fall under the procedures of Sections 70-5, 6 & 7. [Added 2-7-07 by Ord. 2-2007]

- S. The Village established brush pile if for the use and benefit of Village residents only. No one can deposit brush from property outside the Village limits. [Added 02-21-07 by Ord. 3-2007].
- T. The existence of a commercial dumpster in a zoned R-1 District that is not enclosed on all sides by an approved six foot fence. [Added 7-5-07 by Ord. 5-2007]

§ 70-3. Nuisances prohibited.

Subject to § 70-4, no person shall commit, create or maintain any nuisance. Subject to §

1. Editor's Note: Original Section 2N, regarding noxious weeds, which immediately followed this subsection, was deleted 4-9-2003 by Ord. No. 7-2003. See now Ch. 131, Weeds.

70-4, no person shall knowingly permit the existence of a nuisance on the property owned or possessed by such person. Each day a nuisance shall exist shall constitute a separate and distinct violation under the provisions of this chapter.

§ 70-4. Industrial usage.

The storage or keeping of salvageable metal or wood shall not be prohibited on property on which is located a factory engaged in manufacturing, assembling or machining as long as the salvageable metal or wood is for resale or reuse by the occupant of the property.

§ 70-5. Abatement by Village. [Amended 6-21-06 by Ord. 6-2006]

- A. If the owner or possessor of any property on which a nuisance exists fails to eliminate a nuisance, the Village of Bellaire Administration Committee shall take steps as are necessary to abate or eliminate the nuisance.
- B. The cost of elimination of the nuisance by the Village, including reasonable attorney fees, may be collected in a lawsuit against the owner and/or possessor of the property on which the nuisance existed and/or against the person who committed, created or maintained the nuisance.

§ 70-6. Separate court actions.

Nothing in this chapter shall prohibit the Village or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance.

§ 70-7. Penalties. [Amended 4-9-2003 by Ord. No. 7-2003]

- A. Municipal civil infractions; penalties. Any person who violates any provision of this chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 to 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than \$500. Each day this chapter is violated shall be considered as a separate violation.
- B. Enforcement officials. Officers of the Bellaire Police Department, and other Village officials designated by resolution of the Village Council, are hereby authorized to issue municipal civil infractions under this chapter directing offenders to appear in court.
- C. Nuisance per se. A violation of this chapter is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- D. Civil remedies. In addition to enforcing this chapter through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this chapter.