

CHAPTER 678
Safety, Sanitation and Health

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CROSS REFERENCES

Health and sanitation generally - see Mich. Const., Art. 4, Sec. 51;

M.C.L.A. Secs. 750.466 et seq.

Health officer - see ADM. Ch. 250

Unlawful deposits of garbage and rubbish - see GEN. OFF. 666.01 (37)

Garbage and rubbish collection and disposal - see S.U. & P.S. Ch. 1060

Recyclable materials management - see S.U. & P.S. Ch. 1061

Storage and disposal of garbage and rubbish - see P. & Z. 1286.33

Garbage and rubbish; zoning requirements - see P. & Z. 1286.41

678.01 LITTERING.

No person shall throw, scatter or deposit any posters, handbills, cards, written or printed matter, waste paper, cans, bottles or debris of any kind. No person shall litter in any way on any public street, alley or other public or private place in the City. (Ord. 117. Passed 7-8-68.)

678.02 OPEN BURNING.

(a) Definitions. As used in this section:

- (1) "Michigan Environmental Protection Agency" or "M-EPA" means the Michigan Environmental Protection Agency Director, agencies delegated authority by the Director pursuant to law, or the Chief of any Michigan Environmental Protection Agency District Office.

- (2) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney.
 - (3) "Fire Department" means the designated Fire Department of the City.
- (b) Prohibited Open Burning.
- (1) Except as otherwise provided in this section, no person shall burn or allow to be burned in the open, on any public or private ground within the City, any leaves, garbage, rubbish, refuse, trees, stumps, tires or materials of any kind which exude noxious odors, smoke or other matter that is, or is likely to be, injurious to the public health or welfare. Industrial and commercial wastes and refuse may be burned within the City in incinerators approved by the Air Pollution Control Section of the Michigan Department of Health and in accordance with the Michigan Air Pollution Control Rules and Regulations, effective August 15, 1967, which further prohibit open burning and limit emissions from such incinerators.
 - (2) Except as otherwise provided in this section, no person shall burn leaves, grass, lawn clippings, other yard waste, rubbish, boxes, trash, furniture, papers, plastic materials, tree limbs, building materials, garbage or refuse outside of a building at any time on any public or private property within the City, nor cause or permit another to do so on any property subject to his or her control.
- (c) Permitted Open Burning.
- (1) Open burning shall be allowed for the following purposes without notification to or permission from the M-EPA or the Fire Department:
 - A. Cooking for human consumption;
 - B. Heating tar, welding, acetylene torches, highway safety flares, bonfires (as described in this section), heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs. Fires allowed by this paragraph shall not be used for waste disposal purposes and shall be of a minimum size sufficient for their intended purpose.
 - (2) No person shall set a fire outside of a building (termed a "bonfire" in this section) unless such fire is:
 - A. Done in such location and in such a manner as not to create a fire hazard or endanger persons or property;
 - B. Kept under the supervision of a responsible person until extinguished or burned out; and

- C. In conformity with the further provisions of this section and other ordinances governing the same.
- (3) No person shall use gunpowder, kerosene, gasoline, benzine or naphtha to kindle a bonfire or put any of such substances on or into a bonfire.
- (4) Any bonfire found to be in violation of the provisions of this section is hereby declared to be a public nuisance.
- (5) Open burning shall be allowed for ceremonial purposes with prior notification to the M-EPA or the Fire Department if the following conditions are met:
- A. The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours.
- B. The ceremonial fires shall not be used for waste disposal purposes.
- (6) Open burning shall be allowed for the following purposes upon receipt of written permission from the M-EPA or the Fire Department, provided that conditions specified in the permission are followed:
- A. Disposal of ignitable or explosive materials where the M-EPA or the Fire Department determines that there is no practical alternative method of disposal;
- B. Instruction in methods of fire-fighting or for research in the control of fires;
- C. In emergency or other extraordinary circumstances for any purpose determined to be necessary by the M-EPA or the Fire Department;
- D. Recognized horticultural, silvicultural, range or wildlife management practices; and
- E. Prevention or control of disease or pests, with written verification from the local Health Department, the Michigan Department of Agriculture or the U.S. Department of Agriculture that open burning is the only appropriate disposal method.
- (d) Other Prohibitions.
- (1) Notwithstanding any provision of this section, no open burning shall be conducted in an area where an air alert, warning or emergency under State law is in effect.

- (2) No provision of this section permitting open burning, and no permission to open burn granted by the M-EPA or the Fire Department, shall exempt any person from compliance with any provision of State law, any regulation of any State department or any local ordinance or regulation dealing with open burning.
(Ord. 91-1. Passed 4-8-91.)

(e) Permission to Burn.

- (1) An application to open burn shall be submitted in writing at least five days before the fire is to be set. It shall be in such a form and contain such information as required by the M-EPA or the Fire Department. Written permission must be obtained from Council prior to any controlled burn in the Village, including those done by the Fire Department. (Ord. 2000-9. Passed 7-10-00.)
- (2) Such application shall contain, as a minimum, information regarding:
 - A. The purpose of the proposed burning;
 - B. The nature and quantities of material to be burned;
 - C. The date or dates when such burning will take place;
 - D. The location of the burning site;
 - E. The methods or actions which will be taken to reduce the emission of air contaminants.
- (3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the M-EPA or the Fire Department that open burning is necessary to the public interest; that it will be conducted in a time, place and manner as to minimize the emission of air contaminants; and that it will have no serious detrimental effect upon adjacent properties or the occupants thereof. The M-EPA or the Fire Department may impose such conditions as may be necessary to accomplish the purposes of this section.
- (4) Permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by a delay while written permission is sought, the fire may be set with the oral permission of the M-EPA or the Fire Department.
- (5) The M-EPA or the Fire Department, after receiving application, may determine that the open burning is not allowed under this section, and the M-EPA or the Fire Department shall notify the applicant to this effect.
- (6) Violations of any of the conditions set forth by the M-EPA or the Fire Department in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(f) Penalty. In addition to the penalty provided in Section 678.99, any person violating any of the provisions of this section shall be required to pay the cost of proper disposal of the materials burned. The cost of proper disposal of the materials burned shall be the amount it would have cost to dispose of the materials in a manner that is consistent with the air, water and solid waste laws, ordinances and regulations of the Municipality and the State.
(Ord. 91-1. Passed 4-8-91.)

678.03 AIR POLLUTION.

No person shall create, cause or maintain any public nuisance in the Village by the reasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and residents or persons in the area. (Ord. 105B. Passed 10-9-78.)

678.04 WATER POLLUTION.

(a) No person, public or private, shall discharge into any storm drain, ditch, stream, lake, watercourse or other water, other than the duly established public sanitary sewerage system, any raw sewage, offal, brine, poisonous substance, filth or other substance which is injurious to public health or to the conduct of any industrial enterprise or lawful occupation, or whereby any fish or migratory bird life or wild animal or aquatic life may be destroyed, or the growth or propagation thereof be prevented or injuriously affected, or the value of lawfully taken fish or game be destroyed or impaired as a consequence of the pollution.

No person shall discharge, permit to be discharged or contribute to the discharge of any waste or pollution into any of the waters in, around or near the Village in contravention of this chapter.

(b) The pollution standards of the Village shall be the same standards as set up by the State Water Resources Commission.

678.05 STORAGE AND ACCUMULATION OF JUNK, JUNK VEHICLES, ETC.

(a) Definitions. As used in this section:

- (1) "Abandoned vehicle" includes, but is not limited to, any vehicle which has remained on private property for forty-eight continuous hours or more without the consent of the owner or occupant of the property, or for forty-eight continuous hours or more after the consent of the owner or occupant has been revoked. Disabled motor vehicles shall not be permitted in the right of ways of the streets, alleys or highways in the City. However, this shall not apply to the towing or similar transporting of such vehicles. A reasonable time (not to exceed twelve hours from the time of disability) shall be permitted for the removal or servicing of a disabled vehicle in an emergency caused by an accident or sudden breakdown of the vehicle.
- (2) "Boats" includes, but is not limited to, parts of or a complete boat which is not licensed for use upon the waterways of the State for more than sixty days. Excepted from this definition are unlicensed, but operative, boats which are kept as the stock in trade of a regularly licensed and established new or used boat dealer.
- (3) "Junk" includes, but is not limited to, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators or other appliances, remnants of wood or metal, or any other castoff materials of any kind, whether or not the same could be put to any reasonable use.
- (4) "Junk automobiles" includes, but is not limited to, parts of machinery or any motor vehicle which is not licensed for use upon the highways of the State for sixty days or more. Excepted from this definition are unlicensed, but operative, vehicles which are kept as the stock in trade of regularly licensed and established new or used automobile dealers.
- (5) "Person" includes all natural persons, firms, partnerships, corporations and 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 section, whether as owner, occupant, lessee, agent, servant or employee, shall, except as herein otherwise provided, be equally liable as principals.
- (6) "Trash" and "rubbish" include any and all forms of debris not herein otherwise classified.

(b) Determinations. It is hereby determined that the storage or accumulation of trash, rubbish, junk automobiles, abandoned vehicles and building materials upon any private property in the City tends to result in blighted and deteriorated neighborhoods, an increase in criminal activity and the spread of vermin and disease, and is contrary to the public peace, health, safety and general welfare.

(c) Storage. No person shall store or permit the storage or accumulation of trash, rubbish, junk, junk automobiles, abandoned vehicles or boats on any private property in the City, except when completely obstructed from view on all sides, in an enclosed building or on the premises of a licensed junk dealer.

(d) Removal by Health Officer; Notice. The Health Officer may cause to be removed any junk automobile or abandoned vehicle, or part thereof, from any unenclosed private property after having notified, in writing, at least forty-eight hours prior to such removal, the owner or occupant of such property of his or her intention to do so. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property.

(e) Remedies. In addition to the penalty provided in Section 678.99, any police officer of the City may remove or cause to be removed any vehicle which is in violation of this section. Such vehicle may be impounded and destroyed or sold for junk, as the case may be, and the costs thereof assessed against the owner of such vehicle. Any sums realized by the City from the sale of such vehicle shall be reimbursed to the City for the costs incurred therein. Any balance of such sums remaining after such reimbursement shall be returned to the owner of the vehicle.

(Ord. 124. Passed 8-10-70; Ord. 678-A. Passed 11-9-92.)

678.06 WEEDS.

(a) Declaration of Nuisance. Any weeds, such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind, found growing on any improved lot or improved tract of land in the city are hereby declared to be a nuisance. No person shall permit any such weeds to grow or remain in any such place.

As used in this section, an "improved lot or improved tract of land" means a lot or tract of land that has been cleared and mowed once since January 1, 1997.

(b) Height. No person shall permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental or vegetable plants, to grow to a height exceeding eight inches anywhere in the city. Such plants, grasses or weeds exceeding such height are hereby declared to be a nuisance.

(c) Notices of Violations. The Health Officer or his or her duly authorized agent shall serve or cause to be served a notice upon the owner or occupant of any premises on which weeds, plants or grasses are permitted to grow in violation of this section and shall demand abatement of the nuisance within seven days after service thereof.

(d) Noncompliance; Abatement by City. If the person as served does not abate the nuisance within seven days, the Health Officer or his or her duly authorized agent may proceed to abate such nuisance. All expenses incurred, including the mowing fee per hour, as set by Council, shall be charged and paid by such person.

(e) Costs; Liens. Charges for such abatement shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty days after it has been rendered, Council shall, by resolution, certify such charges against the property to which the bill is rendered to be turned over to taxes. The remedy provided for in this subsection and in subsection (d) hereof shall be in addition to the penalty provided in Section 678.99.

(Ord. 125A. Passed 6-10-74; Ord. 678-A. Passed 11-9-92; Res. 97-103. Passed 10-13-97; Ord. 2016-05. Passed 6-13-16.)

678.07 OBJECTIONABLE WASTES; UNLAWFUL DISCHARGES; WATER POLLUTION.

(a) Prohibitions.

- (1) No person shall place, cause to be placed or deposit in an unsanitary manner or with a destructive intent, upon any street or public or private property in the City, any effluent from any sewage disposal facility or of an obnoxious odor which shall have a detrimental effect on the senses or health and welfare of any person so as to create any unsanitary, unhealthful condition which shall obstruct the reasonable use by owners of property adjacent thereto.
- (2) No person shall discharge to any ditch, stream or natural outlet in the City any unsanitary or polluted drainage from any septic tank or other sewage disposal system.
- (3) No person shall deposit or allow to be deposited, any human or animal excrement, garbage, dead animals, rubbish or other objectionable waste so as to endanger the health, property and welfare of the City and its inhabitants.

(Ord. 2010-03. Passed 8-9-10.)

(b) Right of Entry; Inspections.

- (1) No person shall refuse to permit the Health Officer to inspect any premises at all reasonable times for the enforcement of this section.
- (2) Any deliberate and continued refusal to permit inspection and any interference with an officer in the discharge of his or her appointed duty shall constitute a violation of this section.

(Ord. 111. Passed 8-10-64.)

(c) Complaints.

- (1) Complaints against property owners for a violation of this section may be made by individual residents or property owners. Such complaints must be in writing, signed by the complainant and directed to the Health Officer or the City office. All complaints so presented shall be investigated by the Health Officer and action shall be taken to remedy the situation as prescribed in the Health Code if the complaint is found to be valid.
- (2) The Health Officer may investigate any violation discovered in the course of his or her duty and take what action is necessary to remedy the situation.

(d) Violations. Any person in violation of this section shall correct such violation within thirty days of receipt of notice to do so from the Health Officer. A separate offense shall be deemed committed each day during or on which the violation continues. (Ord. 678-A. Passed 11-9-92.)

678.08 ABANDONED REFRIGERATORS.

(a) No person shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or container having airtight doors which when closed cannot be opened from the inside.

(b) No person shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container of any kind which has an airtight snap-lock or other device thereon without first removing such snap-lock or the doors from such ice box, refrigerator or container.

678.09 SMOKING IN CITY OFFICES.

Smoking shall be prohibited in the City offices located at 6767 Main Street. (Motion of Council. Passed 2-12-96.)

678.10 SMOKING IN RECREATION BUILDING.

The Recreation Building located at 6738 Clay Street is hereby designated as a no-smoking facility. (Res. 2000-92. Passed 8-14-00.)

678.11 GRASS CLIPPINGS.

It is unlawful for any person, firm, association, or corporation to deposit, place, discard, drop or in any other manner scatter any grass clippings in or upon the streets, curbs, sidewalks or alleys of the City. (Ord. 2013-06. Passed 12-9-13.)

678.12 TREES AND PLANTS; TRIMMING OR REMOVAL FROM PRIVATE AND PUBLIC PROPERTY.

(a) Any tree, or any other plant, on private property extending over a public street, sidewalk or other public place, creating a hazard by endangering life or property by being infested, diseased or dead, shall be trimmed or removed by the property owner to eliminate the hazard.

(b) Any tree, or any other plant, on private property extending over the private property of others, creating a hazard by endangering life or property of others by being infested, diseased or dead, shall be trimmed or removed by the property owner to eliminate the hazard.

(c) The property owner having a tree, or any other plant, on their property that interferes with vehicular or pedestrian traffic, traffic control device or the proper spread of light along the streets or other City property shall trim or remove them to eliminate the interference and/or hazard.

(d) When the City is made aware of violations or hazardous conditions of the above subsections (a), (b) and/or (c), the property owner shall be contacted in person or mailed notice, by certified mail, giving the owner 14 days to remedy the violations. Property owners who fail to comply with this notice after 14 days may be cited for violations associated with this chapter and in addition to the violation, the DPW supervisor shall take steps to have the violations or hazardous conditions corrected, which shall include the DPW or contracted persons going onto the private property to correct the violations or hazardous conditions.

(e) In the case of immediate hazards which could result in injury or death, the DPW Supervisor will be notified and the DPW Supervisor will attempt to contact the property owner to have the immediate hazard trimmed or removed, or the DPW shall take steps to have the hazard trimmed or removed, which may include the DPW or contracted persons going onto the private property to remove the immediate hazard.

(f) Property owners may be invoiced for all or part of the trimming or removal costs incurred by the City associated with this chapter. Invoices not paid within 30 days may be turned over to taxes and assessed against the property.

(g) All trees, or any other plants on City property will be addressed by the City DPW Supervisor.

(Ord. 2015-06. Passed 9-14-15.)

678.99 PENALTY.

(a) Municipal Civil Infraction. Whoever violates or fails to comply with any of the provisions of this chapter is responsible for a Municipal civil infraction and shall be subject to payment of a civil fine of not less than fifty dollars (\$50.00), reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided below.

(b) Increased Civil Fines. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this chapter. As used in this chapter, "repeat offense" means a second (or any subsequent) Municipal civil infraction violation of the same requirement or provision committed by a person within any eighteen-month period and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

- (1) The fine for any offense which is a first repeat offense shall be no less than two hundred fifty dollars (\$250.00), plus reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than five hundred dollars (\$500.00), plus reimbursement to the City for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.

(Res. 96-117. Passed 12-9-96.)