

TITLE IX - POLICE REGULATIONS**CHAPTER 121. NUISANCES**

9.1. 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 Chapter. No person shall commit, create, or maintain any nuisance.

ARTICLE 1. UNSAFE BUILDINGS, STRUCTURES AND EQUIPMENT

9.2. Unsafe Buildings, Structures and Equipment. Unsafe buildings, structures and equipment are hereby declared a nuisance and shall be dealt with in accordance with Chapter 61 of Title VI.

(Ordinance No. 2009-02, 02-03-2009)

ARTICLE 2. NUISANCES PER SE

9.7. Nuisances Per Se. The following acts, services, apparatus and structures are hereby declared to be public nuisances:

- (1) The maintenance of any pond, pool of water, or vessel holding stagnant water.
- (2) The throwing, placing, depositing or leaving in any street, highway, lane, alley, public place, square or sidewalk, or in any private place or premises where such throwing, placing, depositing or leaving is in the opinion of the Health Officer dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects, rodents and/or vermin, by any person, of any animal or vegetable substance, dead animal, fish, shell, tin cans, bottles, glass, or other rubbish, dirt, excrement, filth, rot, unclean or nauseous water, liquid or gaseous fluids, hay, straw, soot, garbage, swill, animal bones, hides or horns, rotten soap, grease or tallow, offal or any other offensive article or substance whatever.
- (3) The pollution of any stream, lake or body of water by or the depositing into or upon any highway, street, lane, alley, public street or square, or into any adjacent lot or grounds of, or depositing or permitting to be deposited any refuse, foul, or nauseous liquid or water, creamery or industrial waste, or forcing or discharging into any public or private sewer or drain any steam, vapor or gas.
- (4) The emission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities.
- (5) Any vehicle used for any immoral or illegal purpose.
- (6) All indecent or obscene pictures, books, pamphlets, magazines and newspapers.
- (7) Betting, bookmaking, and all apparatus used in such occupation.

- (8) All gambling devices, slot machines, and punch boards.
- (9) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses.
- (10) The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person.
- (11) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount contrary to the provisions of this Code, or statute of the State of Michigan.
- (12) Any use of the public streets and/or sidewalks which causes large crowds to gather, obstructing the free use of the streets and/or sidewalks.
- (13) All buildings, walls and other structures which have been damaged by fire, decay, or otherwise and all excavations remaining unfilled or uncovered for a period of ninety (90) days or longer, and which are so situated as to endanger the safety of the public.
- (14) All dangerous, unguarded excavations or machinery in any public place, or so situated, left or operated in private property as to attract the public.
- (15) The owning, driving or moving upon the public streets and alleys of trucks or other motor vehicles which are constructed or loaded so as to permit any part of its load or contents to blow, fall, or be deposited upon any street, alley, sidewalk or other public or private place, or which deposits from its wheels, tires, or other parts onto the street, alley, sidewalk or other public or private place dirt, grease, sticky substances or foreign matter of any kind. Provided, however, that under circumstances determined by the City Manager to be in the public interest, he may grant persons temporary exemption from the provisions of this subsection conditioned upon cleaning and correcting the violating condition at least once daily and execution of an agreement by such person to reimburse the City for any extraordinary maintenance expense incurred by the City in connection with such violation.
- (16) Pornography
- (a) Display. It is unlawful for any person to display, for sale, or otherwise, in a place frequented by persons under the age of eighteen (18), and in such a position as to be readily accessible to such persons, any magazine, book, newspaper tabloid, picture or any other article which depicts sadistic or masochistic acts, contains lewd and lascivious pictures or descriptions or contains materials otherwise designed to appeal primarily to prurient, violent, sadistic or masochistic interests. It is the intent of this section to specifically prohibit the display of "sun bathing" magazines, tabloid-type newspapers containing, primarily, accounts of crime and violence and magazines containing numerous photographs or drawings of nude persons. The foregoing enumeration is not intended to exclude from the ambit of this section other materials designed to appeal to prurient, violent, sadistic or masochistic interests.
- (b) Distribution. It is unlawful to sell, lend, lease, show or distribute, or offer to sell, lend, lease, show or distribute any obscene book, newspaper, pamphlet, writing, magazine, photograph, picture, film recording, figure or image to any person under the age of eighteen (18).
- (c) Minors. It is unlawful for any person to make, exhibit, sell, deliver, provide, purchase or receive, or offer or agree to make, exhibit, sell, deliver, provide, purchase or receive, or have in his possession with intent to exhibit, sell, deliver, provide, purchase or receive, any printed matter, visual representation or sound recording,

including but not limited to books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, sculptures, tape or wire recordings, which depict or describe the body of conduct of a minor child under eighteen (18) years of age engaged either actively or passively in sexual conduct, or the creation of which entailed the use of a minor child under eighteen (18) years of age engaged either actively or passively in sexual conduct.

"Sexual conduct" means acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or the breast or breasts of a female for the purpose of sexual stimulation, gratification or perversion. Also the condition of the human male or female genitals in a state of sexual stimulation or arousal.

ARTICLE 3. NOISE CONTROL

9.20. Excessive Noise Declared Nuisance. All loud or repetitive noises or sounds or annoying vibrations that offend the peace and quiet of persons of ordinary sensibilities are hereby declared to be public nuisances.

9.21. Specific Offenses. Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive:

- (1) Animal Noises. The keeping of any animal which, by causing frequent or long, continued noise, shall disturb the comfort or repose of any person of ordinary sensibility.
- (2) Construction Noises. The erection, including excavating therefore, demolition, alteration, construction or repair of any building or street or road, except between the hours of 7:00 ~~o'clock~~ A.M. and 8:00 P.M.
- (3) Sound Amplifiers. Use of any loud speaker, amplifier or other similar instrument or device, whether stationary or mounted on a vehicle, shall be subject to the following restrictions:
 - (a) The only sounds permitted are music or human speech and they are subject to the requirements of section 9.20.
 - (b) The loudspeaker, amplifier or other similar instrument or device may be used only between the hours of 7:00 A.M. and 8:00 P.M.

9.22. Exceptions. None of the prohibitions contained in sections 9.20 and 9.21 shall apply to or be enforced against:

- (1) Emergency Vehicles. Any police or fire vehicle or any ambulance, when engaged in emergency business.
- (2) Street or Highway Maintenance and Construction. Excavations or repairs of bridges, streets, or highways by or on behalf of the City or the State of Michigan when the public safety, welfare, or convenience of the City or State so requires.
- (3) Council Resolution. The Council may by resolution modify the time limits in this article.

(Ordinance No. 2009-02, 02-03-2009)

ARTICLE 4. ABANDONED REFRIGERATORS

9.25. Abandoned Refrigerators. No person shall have in his possession, either inside or outside of any building, structure or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other similar air-tight container of any kind which has a snap latch or other locking device thereon, without first removing the snap latch or other locking device, or the doors, from such icebox, refrigerator or other container.

ARTICLE 5. BILL POSTING

9.28. Bill Posting in Streets. No person shall attach, place, paint, write, stamp or paste any sign, advertisement, or any other matter upon any lamp post, electric light, railway, telegraph, or telephone pole, shade tree, fire hydrant; or on any thing within any park. Public officers posting any notice required or permitted by law shall be excepted from the provisions of this section.

9.29. Bill Posting. No person shall attach, place, paint, write, stamp or paste any sign, advertisement, or other matter upon any house, wall, fence, gate, post or tree without first having obtained the written permission of the owner or occupants of the premises and having complied with all provisions of this Code pertaining thereto.

ARTICLE 6. BLIGHT PREVENTION

9.41. Purpose. Consistent with the letter and spirit of Act No. 344 of the Public Acts of 1945, as amended, it is the purpose of this Chapter to prevent, reduce or eliminate blight or potential blight in the City of Frankenmuth by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said City.

9.42 Cause of Blight or Blighting Factors. It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the City owned, leased or rented or occupied by such person.

- (1) The storage upon any property of junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractor's equipment in disrepair, or recreational vehicles, including boat hulls in disrepair, except in a completely enclosed building. For the purpose of this Chapter the term "junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractor's equipment in disrepair, and/or recreational vehicles in disrepair" shall include any self-propelled land motor vehicle which can be used for towing or transporting people or materials, including, but not limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, tractors, snowmobiles, trailers, equipment or recreational vehicles and other off the road vehicles which are inoperative or partially dismantled for any reason for a period in excess of seven (7) days; provided, that any inoperative vehicle shall not include a vehicle which is not in operation for lack of a license unless the vehicle has been unlicensed for at least six (6) months.
- (2) The storage upon any property of building materials unless there is in force a valid building permit issued by the City for construction upon said property and said building materials are intended for use in connection with such on-going construction project. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, mechanical materials or equipment, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing or repairing any structure.

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- (3) The storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The term "junk" shall include parts of machinery, equipment or motor vehicles, unused stoves, or other household appliances or furniture stored in the open, remnants of wood, metal or other material or other castoff material of any kind whether or not the same could be put to any reasonable use.
- (4) The existence of any vacant or abandoned parking area having an improved parking surface with substantial cracks, breaks or potholes whereby weeds grow therein or causing the pooling of stagnant water thereon.
- (5) The existence of any property whereby the landscaping is not regularly maintained, including, but not limited to, the lawn not being regularly mowed, noxious weeds not being eliminated or the shrubs not being regularly trimmed.
- (6) 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 useful for any other purpose for which it was originally.
- (7) The existence of any vacant building, structure, garage, or other outbuilding unless such buildings or structures are kept securely locked, protected against the elements, and are inaccessible so as to prevent entrance thereto by vandals, rodents or other animals.
- (8) The existence of any incomplete structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the City. In no circumstances, however, shall the exterior of a structure, its final grading and the installation of landscaping remain incomplete in excess of the following schedule:
- (a) Residential and two-family buildings, structures and related outbuildings: 12 months.
 - (b) Multi-family, Commercial or Industrial buildings and structures under 10,000 square feet: 12 months.
 - (c) Multi-family, Commercial or Industrial buildings and structures under 100,000 square feet: 18 months.
 - (d) Multi-family, Commercial or Industrial buildings and structures over 100,000 square feet: 24 months.
- The City Council may extend such time period after receipt of a written request from the property owner demonstrating circumstances beyond his/her control have prevented the completion of the project. Such extension shall either be equal to or less than the number of months listed in the above schedule.
- (9) The existence of any building or structure that is not structurally sound, safe for the intended use, weather tight, waterproof or vermin-proof.
- (10) The existence of any condition which provides harborage for rats, mice, snakes and other vermin.
- (11) Every building or structure shall be kept neat and orderly in appearance. The existence of any structure that is not covered by a water resistant paint or other waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration.
- (12) The covering of any building or structure, or the window(s) of a building or structure, with external boards, metal screens (other than those used to prevent the infestation of insects), grates, or other material in such a way that the building or structure appears to be unoccupied, or that the occupant of said building or structure has discontinued its occupancy, without obtaining a valid building permit to do so.
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Building permits shall be authorized by the City Manager, or Historic District Commission if said building or structure is located therein, and issued by the Building Inspector, upon demonstration of a need by the applicant, giving consideration to the following criteria:

- (a) Whether the proposed protection will be in compliance with requirements of the City Building Code.
- (b) Whether the applicant can demonstrate a hazard to the security of the building or structure unless an external material covers the building or structure or window(s) thereof.
- (c) Whether the proposed protection would adversely impact the fire department in the performance of its duties.
- (d) Whether alternative, more creative solutions are available to provide the same type of protection, without the attendant effect of creating the appearance of a boarded building or structure.
- (e) Whether the applicant proposes to cover the window(s) for a period of time beyond 90 days.
- (f) Whether the owner created the hazard by the type of construction used on the building or structure.
- (g) Whether the front of the building or structure or window(s) to be covered are proximate to and visible from any street within the City. If so, the City Manager or Historic District Commission shall balance the risk of the possible hazard against public welfare in having the appearance of a blighting factor.

9.43. Enforcement.

- (1) Sections 9.41 and 9.42 shall be enforced by the Police Department and Building Department.
- (2) The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 9.42 is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of this notice upon him. Such notice shall be served as prescribed in Chapter 1.
- (3) Failure to comply with such notice within the time allowed said owner and/or occupant shall constitute a violation of this Chapter.

(Ordinance No. 2002-05, 08-07-2002)

VIOLATIONS

9.50. Violations; Municipal Civil Infractions; Misdemeanors.

- (1) A person who violates any provision of this Chapter, except Sections 9.7(5), (6), (7), (8), (9), (10), (11) or (16), is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 nor more than \$500.00, plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by Section 1.12(3)(b) of this Code. The City Manager is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code.

(2) A person who violates Sections 9.7(5), (6), (7), (8), (9), (10), (11) or (16) of this Chapter shall, upon conviction, be guilty of a misdemeanor punishable as provided by Sections 1.12(1) and (2) of this Code.

(Ordinance No. 2002-05, 08-07-2002)