

CHAPTER 678
Safety, Sanitation and Health

678.01	Noxious weeds.	678.05	Nuisance abatement.
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CROSS REFERENCES

Health and sanitation generally - see Mich. Const., Art. 4, Sec. 51;
M.C.L.A. Secs. 325.1 et seq., 327.1 et seq.
Authority of Council re public health and safety - see CHTR. Sec. 5.1
Health Officer - see CHTR. Sec. 4.6; ADM. Ch. 252
Littering on school property - see GEN. OFF. 680.07
Gravel pits as nuisances - see B.R. & T. 818.05
Yard waste collection - see S.U. & P.S. Ch. 1080
Dangerous buildings as nuisances - see B. & H. 1410.02

678.01 NOXIOUS WEEDS.

(a) Weeds, Grass and Other Vegetation. No person owning any lot or premises in the developed residential or commercial area of the City, as determined by the Superintendent of Public Works, shall permit noxious weeds to grow thereon or, in any street adjacent to such lot or premises, between the property line and the curb line. Further, no person owning any such lot or premises shall permit or maintain thereon any growth of grass or other vegetation to a height greater than eight inches on the average, nor shall such person permit or maintain any accumulation of dead weeds, grass or brush. "Noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* 1.), poison ivy (*Rhus toxicodendron*) and poison sumac (*Toxicodendron vernix*).

(b) Duty of Occupant or Owner. It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the City to cut and remove or destroy by lawful means all such noxious weeds and grass, as often as may be necessary to comply with the provisions of subsection (a) hereof.

(Ord. 240. Passed 9-19-95.)

(c) Failure to Comply; Remedy of City. If the provisions of subsections (a) and (b) hereof are not complied with, the Superintendent of Public Works shall notify the occupant, or the owner of unoccupied premises, to comply with the provisions of said subsections within a time to be specified in said notice, which notice shall be given in accordance with Section 202.04 of the Administration Code. Said notice shall require compliance with the provisions of this section within five days after service of such notice, and if such notice is not complied with within the time allowed, the Superintendent shall cause such weeds, grass and other vegetation to be removed or destroyed, and the actual cost of such cutting, removal or destruction, including supervision and overhead costs, plus ten percent, shall be a lien against the premises and shall be immediately placed on the utility billing in regard to said property, and if said billing remains unpaid, shall be collected in accordance with the regular procedures utilized by the City for collection of delinquent utility billings. In the event that the subject property does not have an existing utility account at the time of such removal, one shall be established in regard to said property.

(Ord. 242. Passed 8-20-96; Ord. 297. Passed 1-16-07.)

(d) Exemptions. Exempted from the provisions of this section are flower gardens, plots of shrubbery, vegetable gardens and small grain plots. An exemption under the terms of this subsection cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such exempt categories.

(Ord. 240. Passed 9-19-95.)

678.02 OBSTRUCTING STREETS AND SIDEWALKS; SNOW AND ICE.

(a) No person shall erect, place or maintain, or aid or assist in the erection, placing or maintenance of, any obstruction in or upon any public street or sidewalk in the City. No person shall in any manner obstruct a street or sidewalk in the City or in any manner interfere with the lawful use of such street or sidewalk for public travel, without written permission of Council.

(b) No person shall permit any snow or ice to remain accumulated on sidewalks within the public right-of-way in the front, rear, or sides of any business, house, building, or lot owned, occupied or controlled by him or her longer than twenty-four hours after the same has fallen. Where either snow or ice has fallen or formed on any such sidewalk, the owner, occupant, or agent shall, within twenty-four hours after it has fallen or formed, remove the snow or ice in such a manner as to render the total width of the sidewalk safe for pedestrian travel thereon. Whoever violates any portion of this section shall be fined fifty dollars (\$50.00). Unpaid fees will result in a lien against the premises and shall be immediately placed on the utility billing in regard to said property, and if said billing remains unpaid, shall be collected in accordance with the regular procedures utilized by the City for collection of delinquent utility billings. In the event that the subject property does not have an existing utility account at the time of such removal, one shall be established in regards to said property.

(Ord. 62. Passed 2-16-59; Ord. 263. Passed 10-16-01; Ord. 299. Passed 2-5-08.)

678.03 OPENING BURNING.(a) Permits.

- (1) Requirements. No person shall, within the City, set or cause to be set, or burn or cause to be burned, at any time, any combustible material, unless such person obtains from the Fire Chief or his or her duly authorized representative of the Perry Area Fire Department, a permit for such burning.
- (2) Exceptions. There shall be no permit required for fires meeting the criteria listed below in paragraph (b)(2).
- (3) How to obtain. Any person wishing to obtain a permit to burn shall call the Perry Area Fire Department at (517) 625-7611 at least forty-eight hours prior to the date and time that the person wishes to conduct the burning. Such permit shall state the name of the applicant, the address or location where the burning is to take place, and the time and date the fire is to be set.

(b) General Rules for Burning.(1) All fires.

- A. There shall be no burning of any combustible material that creates the emission of smoke or odor in such quantities as to render occupancy of surrounding properties uncomfortable to a person of ordinary sensibilities.
- B. There shall be no burning of any combustible material that may release a toxic emission when burned, including, but not limited to, tires, oil or paint.
- C. There shall be no burning on any paved or concrete portion of any public street or sidewalk.
- D. There shall be no burning within fifteen feet of any existing structure or five feet from any property line.
- E. There shall be no burning unless it is under the charge or supervision of a person of mature years and discretion.
- F. There shall be no burning at any time when the wind or weather conditions may create a nuisance or danger to the property of any person in the vicinity thereof.

- (2) Recreational burning. Recreational burning shall be defined as any fire of logs, brush, charcoal or similar materials around a residence or property, which are burned for the purpose of food preparation or recreation, or where the materials to be burned are to be placed at ground level within a

containment pit constructed of masonry or steel no larger than three feet in diameter or covering an area not larger than ten square feet. Recreational burning shall fall under the guidelines of paragraph (b)(1) hereof as well as the guidelines listed below.

- A. The preparation of food in or on any commercially manufactured grill shall be exempt from all regulations set forth in this section. However, it is recommended that such containers be placed at a minimum distance of three feet from any said structure.
- B. No permit shall be required for recreational burning that falls within the guidelines defined above.

(c) Civil Liability for Cost and Damage.

- (1) Any person who sets an open fire which necessitates calling the City Fire Department or any other fire department shall pay to the City all costs and charges incurred by the City by reason of calling the City Fire Department or any other fire department.
- (2) The City may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by it from any person who sets such an open fire.
- (3) Payment of costs to the Fire Department shall in no way relieve such person from liability for any damage caused by such fire.

(d) Enforcement. The authority for enforcement of this section shall fall under the direction of the City Police Department.

(Ord. 256. Passed 5-2-00.)

678.04 JUNK MOTOR VEHICLES. (REPEALED)

(EDITOR'S NOTE: Section 678.04 was repealed by Ordinance No. 315, passed June 21, 2011. Provisions regarding junk motor vehicles can be found in Chapter 696.)

678.05 NUISANCE ABATEMENT.

(a) Nuisance Defined. As used in this section, "nuisance" means any condition or use of premises or building exteriors, which condition or use is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or depositing on or the scattering over the premises of any of the following:

- (1) Junk, trash, rubbish or refuse of any kind;
- (2) Abandoned, discarded or unused objects or equipment, such as furniture, stoves, refrigerators, freezers, cans or containers; or
- (3) Building materials, including, but not limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, shingles, mortar, concrete, cement, nails, screws or other materials used in constructing any structure.

(b) Maintenance of Private Property. No person owning, leasing, occupying or having charge of any premises shall maintain or keep a nuisance thereon. No person shall keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises are located.

(c) Investigations. The Chief of Police or a member of the Police Department, on a routine inspection or upon receipt of a complaint, may investigate a suspected nuisance.

(d) Notice to Remove. Whenever the Chief of Police or a member of the Police Department finds or is notified that a nuisance has been permitted to remain on private property in the City, the Chief shall send, by certified mail, or shall cause to be personally served, a notice to the owner of record of such nuisance, if such owner can be ascertained by the exercise of reasonable diligence, and to the owner or occupant of the private property, as shown on the tax assessment records of the City, on which the same is located, to remove the nuisance within ten days. Such notice shall also contain the following information:

- (1) The nature of the complaint;
- (2) A description of and the location of the nuisance;
- (3) A statement that the nuisance will be removed from the premises not later than ten days from the date of notification;
- (4) A statement that the removal from the location, as specified in the notification, to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties;
- (5) A statement that if removal is made within the time limits specified, notification shall be given in writing to the Chief of Police; and
- (6) A statement of the penalties provided for noncompliance with such notice. (Ord. 190. Passed 7-3-84.)

678.06 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 City in contravention of this chapter.

(b) The pollution standards of the City shall be the same standards as set up by the State Water Resources Commission.
(Ord. 99. Passed 4-5-66.)

678.07 OUTDOOR FURNACES PROHIBITED.

(a) Outdoor Furnaces Prohibited. No person, corporation, partnership, or entity, shall install, use, or maintain an outdoor furnace fired by wood, corn, pellets, coal, gas, or any other type of combustible material within the City.

(b) Penalties for Violation. Persons violating this section shall be responsible for a civil infraction. Each and every day of noncompliance is a separate violation.
(Ord. 290. Passed 4-18-06.)

678.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever violates any of the provisions of Section 678.03 shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty days, or both, at the discretion of the Court.

(Ord. 238. Passed 8-15-95.)

