

CHAPTER 91: NUISANCES

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Cross-reference:

Special assessments - removal of nuisance or hazard, see Charter § 7.10

GENERAL PROVISIONS

§ 91.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly calls for or indicates a different meaning.

DISMANTLED MOTOR VEHICLE. Any motor vehicle from which any part or parts have been removed or are missing and which are required by law for operation on the public roads, which are necessary for the safe operation of the vehicle or which were intended by the manufacturer as an integral and material part of the vehicle.

GARBAGE. Biological and food waste.

INOPERABLE MOTOR VEHICLE. Any motor vehicle which may not be legally operated on the public roads by reason of its physical condition or by reason of the lack of parts required by law.

JUNK. Any castoff parts, parts that are not capable of performing a function, waste materials, scrap and/or discards.

LITTER. Rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substance.

MOTOR VEHICLE. Any wheeled vehicle which is self-propelled or intended to be self-propelled and is of a type that would be required by the Michigan Vehicle Code to display a registration plate if driven on the public roads.

PERSON. Any individual, corporation, partnership, association or business entity.

REFUSE. Materials other than junk and garbage that are typically the subject of disposal and materials that are ready for disposal.

(Ord. 231, passed 7-17-06)

§ 91.02 STORAGE AND ACCUMULATION OF MATERIALS AND VEHICLES.

(A) Garbage, refuse and junk. It shall be unlawful for any person, owning or occupying any lot, parcel, or premises in the city to permit the accumulation of garbage, refuse or junk except to the extent that the storage or accumulation is in compliance with § 93.17 regarding containers and the placement of materials for collection.

(B) Equipment and supplies. It shall be unlawful for any person to keep items of workable equipment and supplies out of doors when not in use for an ongoing project except to the extent that storage is in compliance with the Ferrysburg Zoning Ordinance.

(C) Motor vehicles. No person shall park, store, or allow to be parked or stored, any dismantled motor vehicle, inoperable motor vehicle or unlicensed motor vehicle upon any lot or premises within the city outside of an enclosed structure except to the extent that the activity is permitted pursuant to the Ferrysburg Zoning Ordinance.

(Ord. 231, passed 7-17-06) Penalty, see § 91.99

Cross-reference:

Garbage, trash, and recyclable material; collection and licensing, see §§ 93.15 et seq.

§ 91.03 VEGETATION.

(A) Grass and weeds. It shall be unlawful for any person to keep weeds and grass, with the exception of dune grass, more than ten inches in height.

(B) Dead and diseased vegetation. It shall be unlawful for any person to keep dead bushes, dead trees, stumps, bushes and trees infested with insects or infectious disease and any other vegetation likely to cause fire or injury to persons or property.

(C) Cutting by city, fees. In addition to the penalties otherwise prescribed, the Zoning Administrator may give written notice, mailed by first class mail to the address last shown on the assessment records of the city, stating that the city will enter the premises after ten days from the date of mailing such notice and mow grass and otherwise abate the violation. The city shall have a lien against the premises described in the notice in the minimum amount of \$100 plus actual costs which shall be levied and collected against the property in the same manner as ad valorem property taxes.

(Ord. 231, passed 7-17-06; Am. Ord. 234, passed 10-2-06) Penalty, see § 91.99

§ 91.04 LITTER.

A person shall not knowingly, without the consent of the public authority having supervision of public property or the owner of private property, dump, deposit, place, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of, litter on public or private property or water.

(Ord. 231, passed 7-17-06)

§ 91.05 FIREWORKS.

(A) Definitions. The following words and phrases, when used in this section, shall have the meanings respectively ascribed to them:

ALCOHOLIC LIQUOR. That term as defined in section 1d of the Michigan Vehicle Code, 1949 PA 300, M.C.L.A. 257.1d, as amended.

APA STANDARD 87-1. The 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, as published by the American Pyrotechnics Association of Bethesda, Maryland.

CONSUMER FIREWORKS. Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 C.F.R. Parts 1500 and 1507, as amended, and that are listed in APA Standard 87-1: 3.1.2, 3.1.3, or 3.5. CONSUMER FIREWORKS does not include low-impact fireworks.

CONTROLLED SUBSTANCE. That term as defined in section 8b of the Michigan Vehicle Code, 1949 PA 300, M.C.L.A. 257.8b, as amended.

FIREWORKS. Any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing visible or audible effect by combustion, deflagration, or detonation.

LOW-IMPACT FIREWORKS. Ground and handheld sparkling devices as that phrase is defined in APA Standard 87-1: 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

MINOR. An individual who is less than 18 years of age.

HOLIDAY. Means any of the following:

- (a) New Years' Day, January 1.
- (b) Birthday of Martin Luther King, Jr., the third Monday in January.
- (c) President's Day, the third Monday in February.
- (d) Memorial Day, the last Monday in May.
- (e) Independence Day, July 4.
- (f) Labor Day, the first Monday in September.
- (g) Columbus Day, the second Monday in October.
- (h) Veteran's Day, November 11.
- (i) Thanksgiving Day, the fourth Thursday in November.
- (j) Christmas Day, December 25.

(B) Ignition, discharge and use of fireworks.

(1) Except on the day preceding, the day of, or the day after a holiday, in accordance with state and Federal laws and applicable city ordinances, and except on the first Saturday in August each year (Coast Guard Festival), a person shall not ignite, discharge, or use consumer fireworks.

(2) A person shall not ignite, discharge, or use consumer fireworks on any day the state, through the Department of Natural Resources or any successor agency, has determined that an "Extreme Fire Danger" exists, including the day preceding, the day of, or the day after, a holiday.

(3) In accordance with state and Federal laws and applicable city ordinances, except between the hours of 1:00 a.m. and 8:00 a.m., EST, a person may ignite, discharge, or use consumer fireworks on the first Saturday in August each year (Coast Guard Festival), and on the day preceding, the day of, or the day after a holiday.

(C) Possession of consumer fireworks by a minor. A minor shall not possess, ignite, discharge, or use consumer fireworks.

(D) Prohibited conduct.

(1) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of any another person without that person's express permission to use those consumer fireworks on those premises.

(2) A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination thereof.

(E) Local, state, and federal requirements. Nothing contained within this section shall be construed to relieve a person of any duties and obligations imposed under any local, state or federal laws, rules, regulations, licenses, or permit requirements.

(Ord. 280, passed 10-7-13)

NOISE

§ 91.15 TITLE.

This subchapter shall be known and cited as the “Anti-Noise and Public Nuisance Ordinance.”

(Ord. 125, passed 2-3-92)

§ 91.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DECIBEL. A unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 20 times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of the sound pressure to a reference pressure of $2 \times 10^{-5} \text{N/m}^2$ (Newtons per meter squared). As an example of the effect of this formula, a 3-decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10-decibel change corresponds to a 10-fold increase or decrease to 1/10th the former intensity.

dB(A). The sound pressure level in decibels measured on the “A” scale of a standard sound level meter having characteristics defined by the American National Standards Institute. **dB(lin)** means the sound pressure level in decibels measured on the “linear” or “flat” scale of a standard sound level meter having characteristics defined by the American National Standards Institute.

MOTOR VEHICLE. Every vehicle which is self-propelled whether or not licensed or intended for use upon public roads.

(Ord. 125, passed 2-3-92)

§ 91.17 PROHIBITED NOISES.

(A) General regulation. No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the city.

(B) Specific violations. The following noises and disturbances are hereby declared to be a violation of this subchapter; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this subchapter not specifically enumerated:

(1) The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons;

(2) Yelling, shouting, or singing on the public streets between the hours of 10:00 p.m. and 7:00a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity;

(3) The emission or creating of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court;

(4) The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity, such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property;

(5) The operation of a motor vehicle, including a motorcycle or moped, unless at all times equipped with a muffler in good working order and in a constant operation to prevent excessive or unusual noise;

(6) The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code;

(7) The erection, excavation, demolition, alteration or repair of any building or premises in any part of the city, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety; in such case, a permit shall be obtained from the Building Inspector or Ordinance Enforcement Officer of the city, which permit shall limit the periods that the activity may continue;

(8) The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, dumpster or other carrier or in connection with the repairing of any such vehicle in or near residential areas;

(9) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity;

(10) The operation of any sound-amplifying device upon or within any vehicle in a manner that will unreasonably upset or disturb the comfort or repose of any persons in the vicinity;

(11) The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person;

(12) The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the city where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity; under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 p.m. on any evening.

(C) Exceptions. None of the prohibitions hereinbefore enumerated shall apply to the following:

(1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities;

(2) Warning devices emitting sound for warning purposes as authorized by law;

(3) The daily testing of civil defense sirens;

(4) Parades and church bells or chimes;

(5) The sounding of the fire station siren at noon each Saturday.

(Ord. 125, passed 2-3-92; Am. Ord. 231, passed 7-17-06)

Cross-reference:

Snowmobiles; noise, see § 71.07

Unlicensed motor vehicles; noise, see § 71.32

Sand mining; noise, see § 152.36

§ 91.99 PENALTY.

(A) Civil infraction. A violation of Ch. 91 shall be a civil infraction subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a 60-month period. The civil fine for a first offense is \$50. The civil fine for the first repeat offense is \$250. The civil fine for the second repeat offense is \$500. The city shall also be entitled to equitable relief to abate the violation and to such other relief as may be available to the city pursuant to Chapters 83 and 87 of the Michigan Revised Judicature Act, as amended, being M.C.L.A. §§ 600.8301 et seq. and 600.8701 et seq. Each day on which any violation of those sections occurs shall constitute a separate offense. Nothing in this section shall restrict other remedies available to the city.

(B) Nuisance. A violation of Ch. 91 is declared to be a nuisance per se.

(C) Enforcement. The Building Inspector, Zoning Administrator and all police officers of the city are authorized to issue civil infraction citations pursuant to this subchapter.