

## Chapter 88 - Nuisances

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- 9.1 Public Nuisances Defined. Whatever annoys, injures, or endangers the safety, health, comfort or repose of the public; interferes with or destroys or renders dangerous any street, highway, allows accumulation of junk or obnoxious matters on private property; 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 and the common and statute law of this state.

### NOISE CONTROL

- 9.5 Noises. Among others, each of the following acts is declared unlawful and is prohibited, but this enumeration shall not be deemed to be exclusive, namely
- (a) Horns and Signal Devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion except as a danger signal if another vehicle is approaching apparently out of control or to give warning of intent to get under motion, or if in motion, only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time;
  - (b) Radio and Musical Instruments. The playing of any radio, television, phonograph, or any musical instruments in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity;
  - (c) Shouting and Whistling. Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity;
  - (d) Hawking. The hawking of goods, merchandise or newspapers in a loud and boisterous manner.
  - (e) Animal and Bird Noises. The keeping of any animals or birds which by causing frequent or long continued noise shall disturb the comfort of any person;
  - (f) Whistle or Siren. The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger;
  - (g) Engine Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which effectively prevents loud explosive noises therefrom;
  - (h) Construction Noises. The erection (including excavating), demolition, alteration, or repair of any building, the excavation and/or grading of streets, highways, or

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private property other than between the hours of 7:00 a.m. and 8:00 p.m. on Mondays through Saturdays, unless a permit be first obtained from the Building Department for building work or from the Engineering Department for street work.

- (i) Handling Merchandise. The creating of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;
- (j) Devices to Attract Attention. The use of any drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention for any purpose.
- (k) Noise, Sound Amplification, or Commotion in Vehicles. To make a commotion, amplify sound, or make unnecessarily loud noises which are audible more than 50 feet from the vehicle, or whereby the peace and good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are disturbed.

(Rev. 08-06-1990)

- (l) Sound Trucks. To operate or cause to be operated a sound truck with radio or amplifier within the City without first having obtained a permit therefor from the City Council.

(Rev. 03-26-1979)

- (m) Exceptions. None of the prohibitions herein shall apply to or be enforced against; any police or fire vehicle of the City or ambulance while engaged upon necessary public emergency business; necessary excavations or repairs of bridges, streets, or highways on behalf of the city, county or state during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day; the reasonable use of stationary amplifiers or loud speakers in the course of public addresses which are non-commercial in character.

9.8. Abandoned Iceboxes, Refrigerators, etc. Any person who knowingly leaves, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container of a kind and size sufficient to permit the entrapment and suffocation of a child therein, without first removing the snap lock or other locking device from the lid or cover thereof, is guilty of a misdemeanor.

(Rev. 03-20-1967)

9.9 Radio and Television Interference.

- (1) No person shall maintain or operate any equipment, device, appliance, or apparatus in the city which generates or causes high frequency oscillations which interfere with radio or television transmitting or reception; except, that x-ray pictures, examinations, or treatments and diathermy treatments may be made if the machine or apparatus therefor is equipped to avoid all unnecessary

interference and is not negligently operated.

- (2) The City Engineer may designate a radio inspector, to investigate complaints of interference with radio and television transmitting, and reception and he is hereby given authority upon presenting his evidence of authority, to have a right of access to any premises at any reasonable hour for the purpose of inspecting any equipment, device, appliance, or apparatus coming within the terms of this Chapter to determine if such equipment, device, appliance, and apparatus complies with the terms of this Chapter, and no person shall interfere with said radio inspector in making such inspection or refuse to allow the radio inspector to enter upon the premises for such purpose.
- (3) Whenever an inspection and test shall have been made by the radio inspector, and it is found that such equipment device, appliance, or apparatus is being operated in violation of this section, the person responsible for such operation shall be notified in writing to discontinue the use of such equipment, device, appliance or apparatus or to make additions, repairs, or modifications thereof, in order that the same may be operated in a manner which complies with the provisions of this Chapter. Such notice may be given personally to said person or by certified mail, addressed to said person. In the event that said person within 48 hours after receipt of such notice fails to repair the same so that it complies with the Chapter, such person shall be deemed to be operating the same in violation thereof.
- (4) The operation of any machine, mechanical device, electrical device or thing that interferes with, or causes static in the operation of the police radio system is hereby declared to be a public nuisance; the operator of said machine or device shall immediately discontinue the use of said equipment upon being notified of its interference with the police radio system and shall not again place the same in operation until it has been repaired or modified so as not to interfere with the police radio system.
- (5) No provision of this Chapter shall be construed as regulating any equipment, device, appliance or apparatus used in interstate commerce where the same is licensed or regulated by or under any act of Congress of the United States.

### **LITTERING**

- 9.13 Deposit of Unwholesome Substances. No person shall, within the limits of the City, by himself or by another, throw, place, deposit or leave in the street, lane, alley, public place or private lands, any animal or vegetable substance, dead animals, fish, shavings, dirt, rubbish, excrement, filth, unclean or nauseous water or liquor, hay, straw, soot, offal, garbage, swill, or any other article or substance whatever which may cause any offensive, unwholesome, or nauseous smell, or endanger the health of the public.
- 9.15 Paper, Rubbish. No person shall throw or place, or through insecure fastening, or otherwise, cause or suffer to be placed or thrown or to fall in or upon any public street, alley, sidewalk, or other public thoroughfare or any public park or private property of the City, any loose paper or other rubbish of any nature.

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(Rev. 03-26-1979)

- 9.16 Injurious Substances. No person shall by himself or by another, throw, place, deposit or leave in any street, highway, lane, alley, public place or square, or in any private place or premises, any glass, broken or unbroken, or any metal, stone, earthenware, tacks, cinders or other substances of a nature likely to cause injury to travelers or pedestrians, automobiles, bicycles, or vehicles, or to injure any horse or other animal or which might injure, cut or puncture any pneumatic tire.

### ABATEMENT

- 9.19. Abating Nuisances. In the event any officer of the City shall determine that there exists a nuisance within the meaning of this Chapter and Code, such officer shall cause a notice to be served on the owner or occupant of the premises on which said nuisance exists, requiring such person to abate said nuisance within the time specified in the notice. Service of the notice shall be made in accordance with Chapter 1 of this Code. In the event such person fails to abate said nuisance in accordance with the notice, the City shall do so and the cost thereof shall be charged against the owner or occupant of premises any payment thereof shall be enforced as a special assessment as provided in the Charter.

(Rev. 03-26-1979)

22. Aircraft. The term "aircraft" shall include any and all contrivances now or hereafter used for navigation or flight in the air or space, including but not limited to airplanes, airships, balloons, hovercraft, dirigibles, helicopters, gliders, amphibians and seaplanes. This definition shall include any type of tethered contrivance.

It shall be unlawful for any individual to use or attempt to use any property, building, land or water for landing or taking-off of aircraft other than property duly licensed and approved as an airport or heliport.

#### Exceptions:

1. Emergency transportation of medical patients and personnel or supplies.
2. Building construction sites when use is for lifts in construction, providing further that a valid applicable permit has been issued for the work and prior notice to and approval obtained from the City of Troy, Building Department.
3. Aircraft being operated by or under the direction of a Police, Fire or Military officer for public safety related purposes. It shall be unlawful for any individual to hover or attempt to hover an aircraft over property, building, land or water except in the approach surface of an airport or heliport, as defined in Chapter 39, Section 41.12.01 of the Troy City Code. To "hover" shall mean the suspension of an aircraft closer to any property, building, land or water than one hundred (100) feet.

(Rev. 10-07-96)

23. Mini-bikes

- A. Statement of Purpose. By the adoption of this section the City Council finds and determines that the uncontrolled operation of motorcycles, as defined herein, has become a public nuisance with the City of Troy due to loud and raucous noises, noxious odors, excessive dust, dangerous to the health and safety of person within the City of Troy and to property located therein and the use of such vehicles on private property without the consent of the owners thereof, and on public property without the consent of the public bodies having jurisdiction. The City Council further finds that this section controlling the use of such vehicles is necessary to prevent nuisance conditions detrimental to the safety, health, and general welfare of the public.

(Rev. 07-30-1973)

B. Definitions.

1. The word "motorcycle" as used in this Chapter means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground. In addition, this term shall mean every vehicle not entitled to be licensed for travel upon the public highways of the State of Michigan which is designed primarily for recreational purposes, including but not limited to all-terrain vehicles, go-karts, trail bikes, mini-bikes, or drag-bikes. The term shall not include tractors, motor powered lawn mowers, special mobile equipment as defined in the Michigan Vehicle Code, or similar vehicles.
2. All definitions which appear in the Michigan Vehicle Code shall be applicable to such terms when used in this Chapter.

(Rev. 03-26-1979)

C. Regulations Governing the Use of Motorcycles.

1. No motorcycles shall be operated upon the streets and highways of the City or other areas open to public motor vehicle travel except in accordance with the Uniform Traffic Code, Chapter 105 of the Troy City Code, and the Michigan Vehicle Code.

(Rev. 03-26-1979)

2. No motorcycles shall be operated in any area open to the public for the parking of motor vehicles except for the sole purpose of normal ingress and egress into such parking facilities.

(Rev. 07-30-1973)

3. No motorcycles shall be operated upon property owned by the City, by a public school district, by a community college or by a library, other than areas designated for the parking of motor vehicles, except in accordance with the rules and regulations established for such property by the public body having jurisdiction.

(Rev. 03-26-1979)

4. No motorcycles shall be operated upon any private property not open to the public for the operation of motor vehicles except the owner thereof, members of his immediate family, and persons lawfully residing upon said premises without the express written permission of the owner. The written permission shall identify the property for which permission is granted, and his address, the owner of said property and the duration of said permission. The written permit shall be carried upon the person of the permittee and shall be displayed to any law enforcement officer of the City of Troy upon request. No such written permission shall be required if the permittee is accompanied by the owner, a member of his immediate family, or a person lawfully residing upon said property nor shall such written permit be required where the operation of the motor vehicle upon the property is solely for normal ingress and egress to and from a residence, a commercial establishment or other occupancy of the property.

(Rev. 07-30-1973)

5. No person shall operate a motorcycle in the City of Troy in such a manner as to create excessive, unusual or unnecessary noise. Every motorcycle so operated shall be equipped with an efficient muffler which will insure noise levels comparable to that of a private passenger automobile. Racing motorcycle engines, or repeated acceleration and deceleration of motorcycle engines except in the course of maintenance of such engines is hereby deemed to be excessive, unusual and unnecessary noise. Abrupt or violent acceleration of a motorcycle, including acceleration which causes the front wheel of the motorcycle to lose contact with the ground, shall be deemed to create excessive, unusual, or unnecessary noise.

(07-30-1973)

6. No person shall operate a motorcycle on public or private property while under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol or when, due to consumption of intoxicating liquor, narcotic drugs, barbitol or any derivative of barbitol he has visibly impaired his ability to operate the vehicle or in willful or wanton disregard for the safety of persons, including himself, or property, or in a careless or negligent manner likely to endanger any person or property, in a speed or

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acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise over a measured or unmeasured distance, or in a drag race as defined in the Michigan Vehicle Code.

### D. Penalties.

1. Violation of this Chapter is declared to be a nuisance and may be abated by a law enforcement officer of the City by impoundment of the motorcycle involved by removal to the motor vehicle pound of the City to be returned as hereinafter provided.

(03-26-1979)

2. Before the owner or persons in charge of such motor vehicles shall be permitted to remove the same from the motor vehicle pound he shall furnish evidence of his identity and owner-ship, he shall sign a receipt, and he shall pay a fee of Ten (\$10.00) Dollars to cover the cost of removal, if any, plus the cost of storage.

3. Violation of this Chapter is hereby declared to be a misdemeanor and any person or persons found guilty thereof shall be subject to a fine of not to exceed Five Hundred (\$500.00) dollars and/or imprisonment for not more than ninety (90) days for each such offense.

(Rev. 03-26-1979)

### 24. Municipal Civil Infractions

A violation of sections 9.1, 9.2, 9.3, 9.5, 9.9, 9.13, 9.14, 9.15, 9.17, 9.18, 9.20, and 15 of this Chapter is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of said sections shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

(03-01-2006)

(Chapter 88 Amended: 10-05-2009; Effective: 01-01-2010)