

## **Chapter 34**

### **ENVIRONMENT\***

#### **Article I. In General**

Secs. 34-1--34-30. Reserved.

#### **Article II. Nuisances**

##### Division 1. Generally

Sec. 34-31. Definitions.  
Sec. 34-32. Prohibited.  
Sec. 34-33. Nuisances per se.  
Sec. 34-34. Blighted premises.  
Sec. 34-35. Enforcement.  
Sec. 34-36. Public nuisance.  
Sec. 34-37. Penalty.  
Secs. 34-38--34-55. Reserved.

##### Division 2. Noxious Weeds, Plants, and Trees

Sec. 34-56. Declared nuisances.  
Sec. 34-57. Abatement after notice.  
Sec. 34-58. Immediate abatement.  
Secs. 34-59--34-90. Reserved.

#### **Article III. Noise**

Sec. 34-91. General prohibition.  
Sec. 34-92. Specific offenses.  
Sec. 34-93. Exceptions.  
Secs. 34-94--34-125. Reserved.

**\*Cross reference(s)**--Animals, ch. 10; buildings and building regulations, ch. 14; dangerous buildings, ' 14-66 et seq.; community development, ch. 26; parks and recreation, ch. 54; solid waste, ch.

62; streets, sidewalks and other public places, ch. 70; subdivisions and land division, ch. 74; parking violation procedures, ' 82-102 et seq.; utilities, ch. 86; vegetation, ch. 90; zoning, ch. 98.

## **Article IV. Junk Vehicles**

### Division 1. Generally

Sec. 34-126. Definitions.  
Secs. 34-127--34-134. Reserved.

### Division 2. Dismantled, Inoperable Motor Vehicles

Sec. 34-135. Purpose and intent.  
Sec. 34-136. Definitions.  
Sec. 34-137. General prohibition.  
Sec. 34-138. Extension of storage period; permit required.  
Sec. 34-139. Winter storage.  
Sec. 34-140. Other provisions of law.  
Sec. 34-141. Declaration of public nuisance.  
Sec. 34-142. Removal of inoperable motor vehicles.  
Secs. 34-143--34-150. Reserved.

### Division 3. Removal, Claiming, Disposition

Sec. 34-151. Duty of police.  
Sec. 34-152. Removal by owner.  
Sec. 34-153. Removal by one other than owner.  
Sec. 34-154. Regaining possession.  
Sec. 34-155. Disposal by city.  
Sec. 34-156. Liability.  
Sec. 34-157. Penalty for failure to remove.

## ARTICLE I. IN GENERAL

**Secs. 34-1--34-30. Reserved.**

## ARTICLE II. NUISANCES\*

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\***Charter reference(s)**--Authority to prevent, prohibit and abate nuisances, ' 11.2.

**State law reference(s)**--Public nuisances abatement, MCL 600.3801 et seq., MSA 27A.3801 et seq.; furnishing obscene books to persons under age 18, MCL 750.142, MSA 28.337; exhibition of obscene matter within view of children, MCL 750.143, MSA 28.338; distribution of obscene material to minors, MCL 722.671 et seq., MSA 25.254(1) et seq.; regulation of prohibition of public nudity, MCL 117.5h, MSA 5.2084(8); city Motor Racing Act of 1981, MCL 257.1701 et seq., MSA 9.3400(1) et seq.; fire hazard declared to be a nuisance, MCL 29.23, MSA 4.559(23).

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### DIVISION 1. GENERALLY

#### **Sec. 34-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Nuisance* means that which:

- (1) Annoys, injures or endangers the safety, health, comfort or repose of the public;
- (2) Offends public decency;
- (3) Interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream;
- (4) In any way renders the public insecure in life or property; or
- (5) Is forbidden by any provision of this article.

(Code 1971, ' 9.1)

**Cross reference(s)**--Definitions generally, ' 1-2.

#### **Sec. 34-32. Prohibited.**

No person shall commit, create or maintain any nuisance.  
(Code 1971, ' 9.1)

#### **Sec. 34-33. Nuisances per se.**

The following acts, services, apparatus and structures are 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, excrement, filth, unclean or nauseous water or 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 a depositor 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, gas or petroleum products.
- (4) Any vehicle used for any immoral or illegal purpose.
- (5) All obscene pictures, books, pamphlets, magazines and newspapers distributed to minors.
- (6) Betting, bookmaking and all apparatus used in such occupations.
- (7) All gambling devices.
- (8) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses.
- (9) All explosives, flammable 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.
- (10) 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.
- (11) All dangerous, unguarded excavations or machinery in any public place, or so situated, left or operated on private property as to attract the public.
- (12) The owning, driving or moving upon any public streets and alleys of trucks or other motor vehicles which are constructed or loaded so as to permit any part of their 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. 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 violation condition at least once daily and execution of any agreement by such person to reimburse the city for any extraordinary maintenance expenses incurred by the city in connection with such violation.

- (13) The placing or causing to be placed in or on any motor vehicle parked upon any street, alley or other public place within the corporate limits of the city any paper, posters, signs, cards, or other advertising matter in such a manner as to be blown about by the wind.
- (14) Outdoor storage of an appliance, furniture or building materials is prohibited except when the material is properly covered and screened from view. Furniture which is not intended or designated for outdoor use shall not be placed outdoors or on exterior balconies, porches, decks, landings, or other areas exposed to the weather.
- (15) Use of an outdoor wood or other combustionable material fired boiler that is not within a building intended for habitation by humans or domestic animals. (2011-230)

(Code 1971, ' 9.2)

#### **Sec. 34-34. Blighted premises.**

- (a) It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, in a residential district in the city, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained in any residential district any of the causes of blight or blighting factors upon any property owned, leased, rented or occupied by such person.
- (b) The following causes of blight include:
  - (1) The outdoor storage upon any property of building materials unless there is in force a valid building permit issued by the city for construction upon the property and the materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in constructing any structure.
  - (2) The outdoor storage or accumulation of junk, trash, rubbish or refuse of any kind. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.
  - (3) The existence of any structure or part of a structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.
  - (4) The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the city and unless such construction is completed within a reasonable time. (Ord. No. 99-122, ' 9.61, 5-26-1999)

#### **Sec. 34-35. Enforcement.**

The city manager shall enforce the provisions of sections 34-34 through 34-37 and, on a violation,

shall notify in writing the owner, if possible, and the occupant of any property to remove or eliminate such causes of blight or blighting factors from such property within 15 days after date of the notice. Additional time to remove the causes of blight or blighting factors may be granted by the city manager where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress. Failure to comply with such notice provided to the owner and/or occupant by the removal of the causes of blight or blighting factors within the time allowed shall constitute a violation of sections 34-34 through 34-37. (Ord. No. 99-122, ' 9.62, 5-26-1999)

**Sec. 34-36. Public nuisance.**

It is hereby declared to be a public nuisance for any person to violate the provisions sections 34-34 through 34-37. (Ord. No. 99-122, ' 9.63, 5-26-1999)

**Sec. 34-37. Penalty.**

Any person found guilty of violating any of the provisions of sections 34-34 through 34-37 shall be guilty of a misdemeanor, punishable as provided in section 1-7. (Ord. No. 99-122, ' 9.64, 5-26-1999)

**Secs. 34-38--34-55. Reserved.**

DIVISION 2. NOXIOUS WEEDS, PLANTS, AND TREES\*

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\*Cross reference(s)--Vegetation, ch. 90.

State law reference(s)--Obnoxious plants and trees, MCL 124.151 et seq., MSA 12.270(1) et seq.; noxious weeds, control or eradication, MCL 247.61 et seq., MSA 9.631(1) et seq.

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**Sec. 34-56. Declared nuisances.**

A Definitions. The following terms as used in this Chapter shall have the meanings herein defined:

- (15) Tree - shall mean trees, bushes, shrubs and plants.
- (16) Department - shall mean the Department of Public Works of the City.
- (17) Street - shall mean all of the land lying between property lines on either side of all the public streets, boulevards and alleys in the City.

B Control of Trees. The Department shall have control of and be responsible for the maintenance, care and removal of all trees planted or overhanging the streets, parks or other public places in the City. The trimming or removal of any tree in or overhanging any street, necessary to accommodate utility lines or for any other purpose shall be under the supervision of the Department. The owner of land abutting on any street may plant trees in that part of said street abutting his land, not used for public travel upon obtaining prior written permission of the Department.

C. Protection. No person shall remove, injure, deface or destroy any tree, in any street or public

place; nor plant any poplar, box elder, basswood, willow, soft maple, horse chestnut tree or tree of heaven on any private property without first obtaining a written permit to do so from the Department.

- D. Safeguards. No person in charge of the erection, repair, alteration or removal of any structure shall fail to guard or protect any tree in the vicinity of such structure in such a manner as to prevent injury to any such tree.
- E. Signs. No person shall nail, tie or otherwise fasten cards, signs, posters, boards or other articles to any tree growing in any street, park or other public place in the City.
- F. Dead Trees. Every abutting owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs of trees when said tree or any part thereof overhangs a street, or grows so close to the street as to endanger persons using the same.
- G. Rules and Regulations. The City Manager is hereby empowered, subject to approval by the Council, to make any additional rules and regulations pertaining to the planting, removal, care, maintenance and protection of trees, shrubs and plants as are necessary to protect public property or the health or safety of the public, and no person shall fail to comply with any such rule or regulation.
- H. Noxious Weeds and Wild Growths. No person shall fail to keep cut down any ragweed, Canada thistles, burdocks, crab grass, quack grass, wild growing grasses, other grasses, bushes, milk weeds, wild carrots, oxeye daises or other noxious weeds growing on property owned by him or on that portion of the street which adjoins property owned by him.
- I. Nuisances. The City Manager, subject to the approval of the Council, may declare any tree, shrub or plant, including weeds and wild growths, which endangers public property or is offensive to the health or safety of the public to be a public nuisance by giving notice to the owner of the premises upon which such nuisance is located or which adjoins that portion of a street or alley where such nuisance is located, to remove, trim or dispose of same within 5 days after service of said notice.
- J. Abatement After Notice. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, the City Manager shall carry out the requirements of said notice. The cost of such abatement may be charged against the premises or the owner thereof.
- K. Immediate Abatement. The City Manager may abate any such public nuisance without giving notice if the public health or safety requires immediate action. Thereafter the cost of abating such nuisance may be charged against the premises or the owner thereof.(Code 1971, ' 3.23)

#### **Sec. 34-57. Abatement after notice.**

If at the expiration of the time limit in the notice authorized in section 34-56 the owner has not complied with the requirements of the notice, the city manager shall carry out the requirements of the notice. The cost of such abatement may be charged against the premises or the owner of the premises. (Code 1971, ' 3.24)

#### **Sec. 34-58. Immediate abatement.**

The city manager may abate any public nuisance without giving notice if the public health or safety requires immediate action. Thereafter the cost of abating such nuisance may be charged against the premises or the owner of the premises. (Code 1971, ' 3.25)

**Secs. 34-59--34-90. Reserved.**

### **ARTICLE III. NOISE\***

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\*State law reference(s)--Motor vehicle mufflers, MCL 257.707 et seq., MSA 9.2407 et seq.  
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#### **Sec. 34-91. General prohibition.**

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city.  
(Code 1971, ' 9.3)

#### **Sec. 34-92. Specific offenses.**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article; but this enumeration shall not be deemed to be exclusive; namely:

- (1) *Horns, signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.
- (2) *Radios, Stereos, Cassette and CD Players and Similar Devices.* The using, operating, or permitting the use or operation, of any radio, stereo, cassette and/or CD player, musical instrument or any other device for the production of sound, in such manner as to unreasonably disturb the peace, quiet and comfort of the neighboring inhabitants. An operator, person in charge of, in possession of, or exercising control over, a motor vehicle, dwelling, structure or property from which sound emanates in such manner as to unreasonably disturb the peace and quiet and comfort of the neighboring inhabitants shall be a violation of this provision. The operation of any such radio, stereo, cassette and/or CD player or similar device in such a manner as to be plainly audible at a distance of forty (40) feet from the building, structure, vehicle or property, shall constitute prima facia evidence of a violation of this provision.
- (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiver or TV sets, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproduction of a loud and objectionable sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any

building or structure.

- (4) *Loud talking, loud singing, playing of music or amplification of sound.* Loud talking, loud singing, playing of music or amplification of sound, between 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort, or repose of persons, in any dwelling, hotel, motel, other residence or office of any persons in the vicinity, is prohibited.
- (5) *Animals, birds.* The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (6) *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- (7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises.
- (8) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (9) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (10) *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 6:00 a.m. and 9:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 9:00 p.m. and 6:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 9:00 p.m. and 6:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (11) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the street is a school, hospital or court street.
- (12) *Devices to attract attention.* The objectionable use of any drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention for any purpose.

(Code 1971, ' 9.4; Ord. No. 99-118, 5-26-1999)

**Sec. 34-93. Exceptions.**

None of the terms or prohibitions of sections 34-91 and 34-92 shall apply to or be enforced against:

- (1) *Emergency vehicles.* Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (2) *Maintenance and construction projects.* Excavations or repairs of bridges, streets or highways by or 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. Likewise excluded are sewer and water installations when conducted under similar conditions. (Code 1971, ' 9.5)

**Secs. 34-94--34-125. Reserved.**

**ARTICLE IV. JUNK VEHICLES\***

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\***Cross reference(s)**--Traffic and vehicles, ch. 82.

**State law reference(s)**--Abandoned vehicles, MCL 257.252a et seq., MSA 9.1952(1) et seq.; disposition of unclaimed property in abandoned vehicles, MCL 434.26, MSA 18.718(6).

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**DIVISION 1. GENERALLY**

**Sec. 34-126. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned motor vehicle* means any properly licensed motor vehicle which has been left on a public right-of-way or other public place, which is properly licensed and capable of being operated, but which has remained in that place for a period of five days or more, and upon which has been placed a notice by the police after the five-day period that the vehicle would be deemed to be abandoned unless moved within a 48-hour period following the posting of the notice, and which has not then been moved prior to the expiration of the 48-hour period.

*Inoperable motor vehicle* means any motor vehicle which is currently not capable of being started and safely and properly operated on the highway, and which does not bear a valid and current license plate.

*Junked, inoperable or abandoned vehicle* includes major parts, which shall be deemed to include all parts or accessories without which a motor vehicle is unable to be operated in a safe manner.

*Junked motor vehicle* means a motor vehicle that has been so damaged or dismantled as to be a total loss.

*Owner* means any person whose name appears on the certificate of title of the motor vehicle in question.

*Person having possession* means any person having legal possession of the motor vehicle in question, but who is not the legal owner as determined by the certificate of title of the vehicle.

*Premises* includes any real property, whether public or private.

*Public property* includes any real property owned or under the jurisdiction of any public corporation of the state.

*Total loss* means that the cost to repair a damaged or dismantled motor vehicle, so as to restore it to a condition required by the state to allow it to be driven upon a public right-of-way, exceeds the fair market value for such vehicle. For the purposes of determining fair market value, any recognized national appraisal book may be used.

*Vehicle legally or physically incapable of being operated* includes any vehicle which is not currently registered by any state, or which lacks the equipment as required by state law so as to allow it to be driven upon a public right-of-way.  
(Ord. No. 19-A, ' 9.70, 1-13-1977)

**Cross reference(s)**--Definitions generally, ' 1-2.

**Secs. 34-127--34-134. Reserved.**

**DIVISION 2. DISMANTLED, INOPERABLE MOTOR VEHICLES\***

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\***State law reference(s)**--Abandoned vehicles, MCL 257.252a et seq., MSA 9.1952(1) et seq.; disposition of unclaimed property in abandoned vehicles, MCL 434.26, MSA 18.718(6).  
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**Sec. 34-135. Purpose and intent.**

It is the purpose and intent of this division to provide for the health, safety and welfare of the people of the city by prohibiting the outdoor storage of dismantled, partially dismantled, inoperable, unlicensed or uninsured motor vehicles, or part of motor vehicles, whether intended for use on the public streets or private property, in certain areas of the city, to provide penalties for violation of this division, and the removal of such items in violation of this division. (Ord. No. 99-119, ' 9.71, 5-26-1999)

**Sec. 34-136. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dismantled motor vehicle* means any motor vehicle from which some parts, which are customarily components of the motor vehicle, have been removed or are missing.

*Inoperable motor vehicle* means any self-propelled motor vehicle intended for use on public streets or private property which by reason of dismantling, disrepair or other causes is incapable of being propelled under its own power, or is currently unlicensed or uninsured if a license or insurance is required by law for the operation of such vehicle on the public streets or highways.

*Motor vehicle* means any vehicle which is intended to be self-propelled. (Ord. No. 99-119, ' 9.72, 5-26-1999)

**Cross reference(s)**--Definitions generally, ' 1-2.

#### **Sec. 34-137. General prohibition.**

It is hereby declared to be unlawful for any person to store on, place on or permit to be stored or placed on or allowed to remain on any platted or unplatted parcel of land a dismantled, partially dismantled or inoperable motor vehicle or any parts of a motor vehicle, which platted or unplatted parcel of land is located in a residential zone, under the terms and provisions of chapter 98 of this Code, or upon which parcel of land there is a structure used in whole or in part as a dwelling, unless such dismantled, partially dismantled or inoperable motor vehicle or parts of a motor vehicle shall be kept in a wholly enclosed garage or other wholly enclosed structure. Any bona fide owner, co-owner, tenant or cotenant may store, permit to be stored or allow to remain on the premises of which he is the owner, co-owner, tenant or cotenant, any such dismantled, partially dismantled or inoperable motor vehicle or parts of a motor vehicle if such motor vehicle is registered and licensed, for a period of not to exceed 72 hours. (Ord. No. 99-119, ' 9.73, 5-26-1999)

#### **Sec. 34-138. Extension of storage period; permit required.**

In the event of hardship, any owner, co-owner, tenant or cotenant may secure a permit from the city clerk to extend such period of 72 hours for an additional period of not to exceed 30 days for any such dismantled, partially dismantled or inoperable motor vehicle or parts of a motor vehicle if such vehicle is registered and licensed. This section shall not be construed to permit parking or placing of such motor vehicles on any street right-of-way in the city or in any front yard as now or hereafter defined in chapter 98 of this Code. Any person wishing to store a motor vehicle beyond the 72-hour period, as provided for above, shall apply for a permit to the city clerk, and upon a showing of hardship, and provision for safe storage, may be issued a permit as provided for above after payment of a permit fee. (Ord. No. 99-119, ' 9.74, 5-26-1999)

#### **Sec. 34-139. Winter storage.**

Any person desiring to store a motor vehicle for any period between November 1 and March 31 may do so upon obtaining a permit, provided that such motor vehicle is not stored in a front yard. The

amount of the permit fee shall be established by resolution of the council. (Ord. No. 99-119, ' 9.75, 5-26-1999)

**Sec. 34-140. Other provisions of law.**

This division shall be construed as supplementary to other provisions of this Code now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash, junk or blighted premises, as well as to any statutes of the state relating thereto. (Ord. No. 99-119, ' 9.76, 5-26-1999)

**Sec. 34-141. Declaration of public nuisance.**

The presence of a dismantled, partially dismantled or inoperable motor vehicle or parts of a motor vehicle on any platted or unplatted parcel of land in violation of the terms of this section is hereby declared to be a public nuisance, provided that a 24-hour notice shall have been given by the police to the owner or occupant of such premises to remove such vehicle. Such vehicle may not be returned to such parcel of land unless and until the vehicle is in full compliance with the terms of this division. (Ord. No. 99-119, ' 9.77, 5-26-1999)

**Sec. 34-142. Removal of inoperable motor vehicles.**

The city manager is authorized and directed to arrange for the removal and safe storage of inoperable motor vehicles where the owner thereof shall have failed to comply with the terms of this division. The cost for removal or safe storage shall be billed by the city treasurer to the owner of the real property upon which the violation shall occur. (Ord. No. 99-119, ' 9.78, 5-26-1999)

**Secs. 34-143--34-150. Reserved.**

DIVISION 3. REMOVAL, CLAIMING, DISPOSITION

**Sec. 34-151. Duty of police.**

The city police shall arrange for the removal from any public property any junked, inoperable or abandoned motor vehicle in accordance with the provisions of this article. (Ord. No. 19-A, ' 9.71, 1-13-1977)

**Sec. 34-152. Removal by owner.**

- (a) The owner or the person having possession of any junked, inoperable or abandoned motor vehicle shall remove the vehicle within five days after being ordered to do so in writing by the owner, lessee or occupant of the premises where the vehicle shall be found or by the city police. If the owner of any such vehicle is not known or cannot readily be ascertained, notice to remove may be given by attaching such notice to the vehicle.
- (b) If the vehicle is on any public property, a 48-hour notice to remove it shall be given by the city police. If the vehicle constitutes a present hazard or unduly obstructs traffic or ingress to or egress from any premises, it may be removed by the city police without any prior notice.
- (c) An unregistered vehicle on premises not owned or occupied by the owner or the person having

possession of the vehicle may be deemed to be abandoned.(Ord. No. 19-A, ' 9.72, 1-13-1977)

**Sec. 34-153. Removal by one other than owner.**

Upon failure of the owner to remove any junked, inoperable or abandoned motor vehicle within the time limits prescribed in section 34-152, the owner, lessee or occupant of the premises upon which the vehicle is situated or the city police shall forthwith remove or cause the vehicle to be removed from the premises to a location to be provided for this purpose.(Ord. No. 19-A, ' 9.73, 1-13-1977)

**Sec. 34-154. Regaining possession.**

The owner of any junked, inoperable or abandoned vehicle which is removed under any of the provisions of this article may regain possession by making application within ten days after receipt of the vehicle by the city police, upon paying the city clerk all reasonable costs of removal, which shall be repaid to the person who paid or incurred such charges plus the minimum additional charge and additional daily storage of the vehicle while in the possession of the city; however, if the vehicle is merely unregistered, or appears to be in a serviceable condition, such person shall have 30 days to regain possession of the vehicle. (Ord. No. 19-A, ' 9.74, 1-13-1977)

**Sec. 34-155. Disposal by city.**

If no claim for a vehicle is made as provided in section 34-154, the city may burn, cut up, destroy, sell or otherwise dispose of the same as junk or for the best price obtainable; and the proceeds, if any shall be available, shall be used to pay the reasonable charges of removal and delivering the vehicle to the city by the person who paid such charges, and the expense of keeping and disposing of the vehicle and any balance remaining shall be paid to the general fund of the city. (Ord. No. 19-A, ' 9.75, 1-13-1977)

**Sec. 34-156. Liability.**

Neither the owner, lessee or occupant of the premises from which any vehicle described in this article shall be removed, his servant or agent, the city manager, any member of the police department, any employee of the city, or the city shall be liable for any loss or damage to the vehicle while being removed, or while in the possession of the city, or as a result of any subsequent sale or other disposition. (Ord. No. 19-A, ' 9.76, 1-13-1977)

**Sec. 34-157. Penalty for failure to remove.**

Any person required by the provisions of this article to remove any vehicle described in this article who shall fail to do so within the time specified shall be guilty of an offense punishable in accordance with section 1-7.(Ord. No. 19-A, ' 9.77, 1-13-1977)