



NUISANCE ORDINANCE #31

Article 1: General Provisions

Section 1.01: Public Nuisance Prohibited

No person shall commit, create or maintain any public nuisance as defined in this Ordinance.

Section 1.02: Nuisances Per Se

The following acts, apparatus, accumulations, and activities are hereby declared to be public nuisances:

- A. No person shall maintain or permit to remain on premises owned or occupied by him; or throw, place or leave; or permit the throwing, placing or leaving on the premises of another, including any roadway, any of the following substances: organic refuse, food wastes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor covering, wallpaper, waste paper, newspapers or magazines, discarded appliances, rubbish, excrement, rot, construction debris, including but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding; yard debris or rubbish, including but not limited to, industrial waste, unclean or nauseous fluids or gases, in any of the following locations:
 - (1) Any public street, highway, lane, road, alley, public place, square, sidewalk or any lands within the boundaries of Maple Valley Township owned by Maple Valley Township, County of Montcalm, State of Michigan or other municipal corporation.
 - (2) Any river, lake, stream or other body of water.
 - (3) Any private place or premises where in the opinion of the Township or its agent the specified substances constitute a dangerous condition; or are detrimental to the public health, safety or welfare; or offend aesthetic sensibilities; or may cause sickness; or attract flies, insects, rodents or vermin.
 - (4)

- B. The emission of noxious fumes or gas, smoke, ashes or soot in such quantities as to render occupancy of property dangerous or uncomfortable to a person of ordinary sensibilities.
- C. The keeping, either inside or outside of any building, structure, or dwelling, in a place accessible to children, any abandoned, unattended, unused or discarded icebox, refrigerator or any 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 such air tight container.
- D. Abandoning, leaving, keeping or maintaining a junk or abandoned motor vehicle, as provided in Article 2.
- E. The existence of any structure or damaged part of a structure which, because of fire, wind or other natural causes or physical deterioration is no longer habitable or useful for any other purpose for which it was intended.

Section 1.03: Abatement; notice, authority of officers

Whenever any public nuisance described in Section 1.01 shall exist upon Township property or upon the property of another municipal corporation within the boundaries of the Township, said public nuisance may be abated by the Township or its agent without notice and the cost of abatement charged as provided in Section 1.05 of this Article. Except as provided in Article 2 of this Part for junk or abandoned motor vehicles, whenever any such public nuisance shall exist on private premises within the Township, the Township or its agent shall give notice in writing by certified mail with return receipt requested, and addressed to the owner or occupant of the property where the public nuisance exists or to the person(s) otherwise responsible for said public nuisance. Said notice shall specify the location and nature of the public nuisance and shall indicate that such owner or occupant or person otherwise responsible is required to repair, tear down, abate or otherwise remove the public nuisance within 10 days of the receipt of the notice unless such time is extended by the Township Board. Following the issuance of said notice, the Township or its agent may proceed to initiate civil or criminal proceedings permitted by law to abate the nuisance.

Section 1.04: Public Nuisances; Emergency Abatement; Costs

The Township or its agent may act to abate a public nuisance without giving notice as specified in Section 1.03, if the public health, safety or welfare requires immediate action. The cost of abating such nuisance shall be charged as specified in Section 1.05.

Section 1.05: Abatement; Costs

All expenses incurred by the Township or its agent in repairing, tearing down, abating or otherwise removing a public nuisance under this Ordinance shall be charged to the person responsible therefor, the occupant of the land in question or the person who appears as owner or party in interest upon the last local tax assessment records of the Township. If said person fails to pay said charge within 30 days after a statement therefor is mailed to him, the amount of expenses incurred by the Township in repairing, tearing down, abating or otherwise removing the public nuisance may be paid from the Township general fund and the amount thereof assessed against the lands on which said expenditures were made on the next general assessment roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense, said lien to be enforced in the manner prescribed by the general laws of the State providing for the enforcement of tax liens.

Section 1.06: Penalties

Violations of the provisions of this Article and Article 2 shall constitute a municipal civil infraction. Any person who is found responsible or admits responsibility for a municipal civil infraction shall be subject to a civil fine and costs. The civil fines are set by Resolution of the Township Board unless otherwise specified. Further, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, including attorney fees, to which the plaintiff has been put in connection with the municipal civil infraction, up to the entry of judgment. However, in no case shall costs of more than \$500.00 be ordered. Each violation shall be considered a separate offense.

Article 2: Junk or Abandoned Motor Vehicles, Trailer Coaches and

Watercraft Section 2.01: Definitions

A motor vehicle is hereby defined as any wheeled vehicle which is self- propelled or intended to be self-propelled. Trailer coach is hereby defined as every vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and may be driven or drawn by another vehicle. Watercraft is hereby defined as any contrivance used or capable of being used for navigation upon water, whether or not capable of self- propulsion, including foreign and domestic vessels, passenger or other cargo-carrying vessels, and privately owned recreational watercraft. Junk or abandoned motor vehicles, trailer coaches and watercrafts for purposes of this section, shall include:

- (1) any motor vehicle, trailer coach or watercraft which has remained on the premises of another for a period of 48 continuous hours, or more, without the consent of the owner or occupant of the property or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked; or
- (2) any motor vehicle or portion thereof which, for a period of 60 consecutive days or more does not have an engine in running condition, four inflated tires, and a battery;

- (3) any motor vehicle, trailer coach or watercraft which, for a period of 60 days or more does not have attached current license plates or current registration; or
- (4) any motor vehicle, trailer coach or watercraft which is in fact abandoned by its owner; or
- (5) any motor vehicle, trailer coach or watercraft which is for any reason not operable and not repairable.

Section 2.02: Abandonment Prohibited

No person shall abandon a motor vehicle, trailer coach or watercraft or part thereof on the premises of another.

Section 2.03: Storage Prohibited

No person shall store, maintain, keep, leave, or authorize the storage, maintenance, keeping or leaving of any abandoned or junk motor vehicle, trailer coach or watercraft or part thereof on any private property under his ownership, tenancy or control.

Section 2.04: Exceptions

The following motor vehicles, trailer coach or watercraft shall not be deemed junk or abandoned vehicles or watercraft for purposes of this section: inoperable farm machinery provided it is stored in an orderly fashion and is not a detriment to adjacent properties, vehicles, trailer coaches or watercraft stored within a fully enclosed building, vehicles, trailer coaches or watercraft kept as stock in trade by a regularly licensed dealer in motor vehicles, trailer coaches or watercraft, or vehicles, trailer coaches or watercraft stored by a licensed junk dealer. The Township or its agent may, upon written application, exempt from this section for any reasonable period of time any historic or classic vehicle, trailer coaches or watercraft, any vehicle, trailer coaches or watercraft in a process of restoration or repair, or any vehicle, trailer coach or watercraft which, by reason of special circumstances, is deemed by the Township or its agent not to be a junk or abandoned vehicle, trailer coach or watercraft.

Section 2.05: Abatement

The Township or its agent may remove any junk or abandoned motor vehicle, trailer coach or watercraft or part thereof from the property of the Township or other municipal corporation within the boundaries of the Township without notice and may dispose of said vehicle, trailer coach or watercraft in the Township dump or otherwise dispose of said vehicle, trailer coach or watercraft. The Township or his agent may remove or cause to be removed any junk or abandoned motor vehicle, trailer coach or watercraft or part thereof from any unenclosed private property after having notified the vehicle, trailer coach or watercraft owner and/or lienholder, if known, and the property owner or occupant of such property in writing of his intention to do so at least 48 hours prior to such removal. If the vehicle, trailer coach or watercraft owner and/or lienholder cannot be determined, a copy

of said notice shall be placed upon the vehicle, trailer coach or watercraft at least 48 hours prior to removal. The Township or its agent may dispose of said vehicle, trailer coach or watercraft at the Township dump or may otherwise dispose of said vehicle, trailer coach or watercraft. The cost of hauling away and disposing of a junk or abandoned motor vehicle, trailer coach or watercraft may be charged as provided in Section 1.05 of this Ordinance. The removal of a junk or abandoned motor vehicle, trailer coach or watercraft by the Township or its agent shall not excuse or relieve any person of the obligations imposed by Sections 2.02 of this Article nor from the penalties for violation thereof imposed by Section 1.06.

Article 3: Noise

Section 3.01: Unlawful Noise Prohibited

It shall be unlawful, and it shall be deemed a public nuisance, for any person to unreasonably make, continue or cause to be made or continued any noise that annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities, or that injures or endangers the health, peace or safety of the public within the Township.

Section 3.02: Enumerated Unlawful Noises

The following acts, among others, are declared to be unlawful noises in violation of this Article, and are deemed to be public nuisances per se, but this enumeration shall not be deemed to be exclusive, namely:

- (1) **Radios, phonographs and musical instruments.** Operating, playing or permitting the operating or playing of any radio, phonograph, television set, amplified or unamplified musical instrument, drum, loudspeaker, tape recorder or other sound-producing device, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, hotel, hospital or residence. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible on real property or in a dwelling unit other than that from which the noise originates or emanates shall be prima facie evidence of a violation of this section.
- (2) **Shouting and whistling.** Yelling, shouting, hooting, whistling, singing or making any other loud noises on the public streets, sidewalks, bike pathways or other streets or paths located within the Township, between the hours of 11:00 p.m. and 7:00 a.m. the following day, or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, hotel, hospital or residence.
- (3) **Construction.** Operating or permitting the operation of any tools or equipment used in construction, excavation, demolition, alteration or repair of any building, street or highway, between the hours of 9:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom is plainly audible in any dwelling, hotel, hospital,

office or residence, or on any residential property other than the property from which the noise emanates or originates, unless a variance therefor is first obtained from the Township or his agent in accordance with Section 3.04 of this Article.

- (4) **Engines.** Operating or permitting the operation of any steam engine or internal combustion engine, whether stationary or mobile, so as to annoy or disturb the quiet, comfort or repose of a person of normal sensitivities in any office, dwelling, hotel, hospital or residence. This subsection shall not prohibit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snowblower or similar device used outdoors in residential areas between the hours of 7:00 a.m. and 9:00 p.m. the same day, nor shall it prohibit the operation of a state-licensed motor vehicle in a manner expressly permitted by state law.
- (5) **Animals.** A person shall not keep or harbor an animal, bird or fowl which, by barking, howling, meowing, squawking, or producing any other sound made frequently, repeatedly or for a continued duration, annoys, endangers, injures, or unreasonably disturbs the quiet, comfort or repose of a person of normal sensitivities who is located off of the premises occupied by the animal.
- (6) **Recreational Vehicles.** 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 Township where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity unless otherwise permitted by the Township Board.
- (7) **Loud and Raucous Parties.** Making, allowing, causing or permitting any unnecessary and unreasonable noise or raucous activity in a residence which disturbs the peace, tranquility and good order of the community.
- (8) **Fireworks.** The discharge, igniting or use of any consumer fireworks except as otherwise permitted under state law.

Section 3.03: Exceptions

The provisions of this Article shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work. This Article shall not apply to agricultural or related seasonal type or work that is of a timely nature, such as crop planting, tending crops and harvesting crops or timbering. Noise from a discharge of a firearm that is authorized under state or federal law is also exempt from this Article. Additionally, existing licensed industrial parks shall be exempt from this Article.

Section 3.04: Variance

The Township Board or its agent may grant an applicant a variance of this section to permit

construction noises during hours otherwise prohibited hereunder, after notice and hearing, upon a showing that compliance with this section would constitute an unreasonable hardship on the applicant, on the community or on other persons.

Section 3.05: Penalties

A violation of any provision of this article shall be a misdemeanor.

Article 4: Junk Yards

Sec. 4.01: License

No person shall hereinafter own, maintain or operate within the township a junk yard, or place for the dismantling, wrecking, and or disposing of refuse materials of automobiles, without first having secured a license to do so from the township clerk, except existing licensed junk yards and industrial parks. Any person allowing two or more junk automobiles upon property owned by him or under his control shall be deemed to be carrying on the business of storing junk automobiles.

Sec. 4.02: Application for License

The application for license to operate a junk yard, or place for the dismantling, wrecking, and or disposing of refuse materials of automobiles, shall be made to the township board by the owner or authorized agent in writing on forms to be furnished by the Township Board and shall contain the following:

- (a) The full name, and address of the owner or operator;
- (b) A description of the site or sites, including the dimensions thereof and the street address;
- (c) The name and address of the title owners of said site or sites;
- (d) Whether the person making application for a license is currently engaged in conducting such business in any other location;
- (e) the trade name under which the business is to be conducted;
- (f) If the applicant is a corporation, the name, age, and address of its executive officer and the principal stock holders;
- (g) If required by the State of Michigan, a permit issued by the State Department of Transportation pursuant to 1966 PA 219.

Said application shall be subscribed and sworn to by the applicant and filed with the township clerk. The clerk shall immediately refer the application to the Supervisor of the Township, who may, if he so elects, call a special meeting of said township board to consider the said application, or he may delay such consideration until the next regular meeting of the Township Board. The Township Board shall cause an investigation to be made as to the suitability of the site and fitness of the applicant as to character and ability to conduct such business. If, in the opinion of the Township Board, the person making application is a proper person, the place to be used is suitable for such business, and such establishment does not otherwise violate the law, said board may authorize the granting of

a license by the Township Board upon the payment of the license fee and provided in this Article. The Township Board, may in its discretion, refuse to grant the license provided for in this Article. All officers charged with making the investigation as provided for in this section shall have free access to all parts of the premises for which license has been applied, and a refusal to give such access by any person in charge of such premises shall be sufficient cause for a denial of said license.

Sec. 4.03: Licenses

- (a) The Township Board shall, as a condition precedent to the issuance of a license under this Article, require the applicant erect a cyclone fence at least six (6) feet in height in such a manner as to effectively screen junk automobiles from the view of the general public and any surrounding property owners, whether or not such property owners are adjoining property owners.
- (b) Prior to the issuance of a license to any applicant, such applicant shall furnish the Township Board with a notarized statement from all residents and property owners within a distance of one (1) mile of the proposed site, indicating that said property owners and residents have no objections to the granting of such a license.
- (c) Every license provided for in this article shall be issued by the Township Clerk and shall be on forms approved by the Township Board; said license shall be signed by the Township Clerk and countersigned by the Township Supervisor.
- (d) All licenses issued hereunder shall expire on the 1st day of July of each year following the issuing thereof.
- (e) No license issued under this Ordinance shall be transferable.
- (f) Separate licenses shall be required for each separate location.
- (g) No license shall issue until ten (10) days shall have elapsed from the date of the application for such license if filed with the township clerk.
- (h) Each license issued shall be conspicuously displayed at all times at the sites licensed.

Sec. 4.04: License Fee

The license fee for such operation is one hundred dollars (\$100.00) for each site licensed as a Junkyard or Place for the Dismantling, Wrecking, and/or Disposing of Refuse Materials of Automobiles for each year or fraction thereof, for each separate location in which said business is carried on or conducted.

Sec. 4.05: Regulations

Any person who shall be granted a license to operate any junk yard or place for the dismantling, wrecking and or disposing of refuse materials of automobiles shall:

- (a) Operate such establishment so as not to create a nuisance by reason of excessive noise or disagreeable odors or fumes;
- (b) Keep all junk, automobiles or parts thereof within the areas specifically licensed.
- (c) Refrain from burning any material which by reason of excessive smoke or bad

odor is offensive or may tend to be offensive to the surrounding neighborhood. No fire shall be allowed to continue unattended or to be lighted in violation of any rule, regulation or law of the state or this Code or any ordinance of the township;

- (d) Not load or unload iron or other heavy material between 9:00 p.m. in the evening and 6:00 a.m. in the morning;
- (e) Store all material of combustible nature so as not to create a fire hazard and such material shall not be permitted to accumulate in excess, but shall be disposed of promptly;
- (f) Upon vacating any site or upon abandonment of such business for any reason, remove all junk, automobiles, parts thereof, or other waste material from said premises;
- (g) Not obstruct, or cause to be obstructed the sidewalks, street, alleys or rights of way;
- (h) Not place or cause to be placed outside the property licensed any articles, automobiles, parts, wheels, tin, iron, or metal or other waste materials of any kind or nature.

Sec. 4.06: Exhibition of goods on demand

Every person licensed under the provisions of this Article shall, upon demand of the Supervisor, any law enforcement officer, or any township officer, exhibit all goods bought or received and give the description of the person selling the same.

Sec. 4.07: Posting of Name of Business and Owner

Any person owning, operating or using a junk yard or place for the dismantling, wrecking and or disposing of refuse materials of automobiles shall post in a conspicuous place in or upon his shop, store, wagon, vehicle, barn or other place of business a sign having his name and occupation legibly inscribed thereon.

Sec. 4.08: Hours of Operation, Sales to minors, intoxicated persons or thieves

No person shall purchase, or receive by sale, barter or exchange or otherwise any article mentioned in this Article from any persons between the hours of 9 p.m. and 7 a.m. or from any person who at the time is intoxicated, or from any habitual drunkard, or from any person known to said licensee to be a thief, or an associate of thieves, or a receiver of stolen property, or from any minor under the age of twenty one years, without the written consent of a parent or guardian.

Sec. 4.09: Granting and Revoking of License

No person known to be a thief or an associate of thieves, an habitual drunkard, a receiver of stolen property, nor any person incapable of keeping the records and making the reports herein provided for shall be deemed to be a suitable person to receive a license and any person to whom a license may have been granted may have his license revoked by the township board on good cause shown and after reasonable notice and opportunity to be heard before such Township Board.

Sec. 4.10: Premises Subject to Inspection

All places of business and sites upon which a license herein provided for has been issued, as aforesaid, shall be kept neat and orderly and subject to the inspection of any law enforcement officer or township officer at all times.

Sec. 4.11: Suspension and Revocation

The Township Board may suspend or revoke any license with or without a hearing for failure of the license to comply with any of the provisions of this resolution.

Sec. 4.12: Enforcement

The Township Supervisor or his or her designate shall be responsible for the enforcement of this Article. The Township Supervisor shall be further empowered to make any investigation in regard to a violation of this Article and sign any criminal complaints was allowed by law necessary to enforce any provision of this Article.

Sec. 4.13: Conflicting Provisions

In the event any provision of this Article conflicts with state law, state law shall prevail.

Article 5: General**Sec. 5.01: Validity and Severability**

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Sec. 5.02: Repealer

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect including, but not limited to, Ordinances 8 and 10, Junk Ordinance and Used Car Ordinance.

Sec. 5.03: Effective Date

This Ordinance shall be published and take effect thirty days after publication as provided by law.

Published September 2, 2023 in the Greenville Daily News.

Effective Date: October 2, 2023