

## HAYES TOWNSHIP NUISANCE ORDINANCE

### THE TOWNSHIP OF HAYES ORDAINS:

As used in this Ordinance the following terms shall have the meanings prescribed in this section.

#### Section 1 - Definitions

BUILDING MATERIALS includes but is not limited to lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in construction of any structure.

DISMANTLED AND PARTIALLY DISMANTLED MOTOR VEHICLES are defined as motor vehicles from which some part or parts ordinarily a component of such motor vehicle has been removed or is missing.

GARBAGE means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

INOPERABLE MOTOR VEHICLES are defined as motor vehicles, which by reason of dismantling, disrepair, lack of licensing or other cause are either incapable of being propelled under their own power or are prevented by law from being so propelled.

JUNK - By way of example and not limitation the term shall include used or salvaged metals and their compounds or combination, used or salvaged rope, rubber, tires or car parts, and used and discarded furniture and household appliances.

JUNK DEALER is a person, firm or corporation approved by the Township under its Zoning Ordinance.

LIQUID INDUSTRIAL WASTES means any liquid brine, by-product, industrial wastewater, leachate, off-specification commercial product, grease-trap clean-out residue, used oil, or other liquid waste produced by, incident to or resulting from industrial or commercial activity except any liquid brine normally used in oil or gas extraction on a site permitted by the Michigan Supervisor of Wells.

MOTOR VEHICLES are hereby defined as any wheeled vehicle which is designed to be self-propelled.

RUBBISH means non-putrescible solid wastes including ashes consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, glass, bedding, crockery,

bags, rags, and demolished materials.

PERSON means an individual, firm, corporation, association, partnership, or limited liability company.

SEALED CONTAINER means a covered, closable container which is rodent-proof, fly-proof and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.

TOTALLY CLOSED STRUCTURE means a building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor and walls or closable doors around its perimeter.

## **Section 2 - Nuisances**

The following are hereby declared to be nuisances:

- A. The keeping or storage of building materials outside on private property six (6) months after an occupancy permit is issued by the Hayes Township Zoning Administrator. This subsection, however, shall not apply to building materials kept or stored outside on private property if the building material is kept or stored in an orderly fashion. As used in this subsection, the phrase "building material kept or stored in an orderly fashion" shall mean that all building material of the same type, including but limited to lumber (both stick and sheet wood), cement blocks, bricks, roofing material, and siding shall be kept or stored together and not kept or stored intermingled with building material of a different type and shall be stacked in an organized fashion customary for that type of building material. By way of example and not limitation, stick lumber shall be piled with all sticks substantially parallel to one another, sheet wood shall be piled one on top of another with the area of one sheet covering as much as possible the area of the sheet beneath it, cement blocks and bricks shall be stacked in the shape of a cube in such a manner that they will not fall off the stack, and siding shall be piled with each piece substantially parallel to one another.
- B. The keeping or storage of ashes, junk, garbage or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for the purpose of holding such ashes, junk, garbage, or rubbish.
- C. The placing of ashes, junk, garbage or rubbish on private property without the owner's permission or on public property. This provision applies regardless of whether the ashes, junk, garbage or rubbish is in a sealed container.
- D. The keeping or storage of junk, garbage or rubbish on private property, including inside a building, in such a manner that the items, regardless of the method of containment, have

become a breeding ground, food source or habitation of insects, rodents or vermin.

- E. Intentional depositing of liquid petroleum crude oil, liquid petroleum crude oil by-products and derivatives or liquid industrial wastes on the ground.
- F. Except in an approved junkyard, the presence of three (3) or more dismantled, partially dismantled or inoperable motor vehicles on any premises within the Township kept or stored outside a totally closed structure for a period of more than thirty (30) days continuously.
- G. Except in a junkyard, as approved by the Township, the presence of one (1) or more motor vehicles kept or stored outside a totally closed structure for any length of time when that motor vehicle(s) is hazardous because of one (1) of the following:
  - 1) It has broken windows or sharp, exposed metal that may cause injury; or
  - 2) It is propped up, rolled on its side, or has an unlocked trunk.

### **Section 3 - Prohibition**

No person shall commit, create, or maintain any nuisance. No person shall knowingly permit the existence of a nuisance on the property owned or possessed by such person. Each day a nuisance shall exist shall be construed as a separate violation.

### **Section 4 - Penalty/Civil Infraction**

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than One Hundred and 00/100 (\$100.00) Dollars. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

### **Section 5 - Enforcement**

The Township Nuisance Ordinance Administrator is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

### **Section 6 - Abatement by Township**

If the owner or possessor of any property on which a nuisance exists fails to eliminate a nuisance after having received Notice from the Township of the existence of the nuisance, the Township

Nuisance Ordinance Administrator shall take such steps as are necessary to abate or eliminate the nuisance. The Notice shall describe the location of the property, describe the nature of the nuisance and describe a specific remedial plan for abatement of the nuisance, taking into account the nature and extent of the violation. The written Notice may be served personally or may be sent by first class mail to the last known address of the owner or occupier of the premises.

The cost of elimination of the nuisance by the Township, including reasonable attorney fees, may be collected in a circuit court lawsuit against the owner and/or possessor of the property on which the nuisance existed and/or against the person who committed, created, or maintained the nuisance.

### **Section 7 - Validity**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

### **Section 8 - Separate Court Action**

Nothing in this Ordinance shall prohibit the Township or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance. A violation of this Ordinance is deemed to be a nuisance per se.

### **Section 9 - Effective Date**

This Ordinance shall become effective thirty (30) days after its first publication.

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TOWNSHIP OF HAYES

By: A. Paul Hoadley  
A. Paul Hoadley, Supervisor

By: Ethel R. Knepp  
Ethel R. Knepp, Clerk