

**ORDINANCE NO. 02-2005
NUISANCE ORDINANCE
BRUCE TOWNSHIP, MICHIGAN**

30.000

AN ORDINANCE to prohibit nuisances within the Township to ensure the public health, safety, and welfare and to provide penalties for violations thereof.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF BRUCE
CHIPPEWA COUNTY, MICHIGAN, ORDAINS:**

30.100 Repeal of Prior Ordinances.

This Ordinance repeals Ordinance No. 1 of 2002 and amends the Bruce Township Code by adding new Sections which shall be designated as Sections 30.000 to 30.900 inclusive of the Bruce Township Code titled Nuisance Ordinance.

30.200 Definitions

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

- A. "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.
- B. "Exotic animal" means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property.
- C. "Garbage" means rejected food waste, 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. "Garbage" does not include a compost pile consisting of decaying organic substances intended for fertilizing land.
- D. "Harbor of harboring" means providing food and/or shelter to any animal for any period of time in excess of twelve (12) hours or being in charge or control of any animal under any written or verbal agreement with the animal's owner.
- E. "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.
- F. "Liquid industrial wastes" means any liquid brine, by-product, industrial wastewater, leachate, off-specification commercial product, sludge, 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 or stored in regard to oil or gas extraction on a site permitted by the Michigan Supervisor of Wells.
- G. "Owner of dog" means any person or persons owning or harboring a dog. Any person who harbors a dog on or about property owned or occupied by that person for a period of five (5) days shall be deemed the owner of such animal.
- H. "Person" means and individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

- I. "Rubbish" means non-putrid solid wastes including ashes, paper, cardboard, metal containers, glass, bedding, crockery, bags, rags, and demolished materials.
- J. "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.
- K. "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.

30.300 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 Chippewa County Building Department. 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 not 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, 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, junk, garbage, or rubbish.
- C. The placing of junk, garbage or rubbish on private property without the owner's permission or on public property. This provision applies regardless of whether the 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. The existence of any vacant building, garage, house or outbuilding unless such structure is kept secure from entry by the public.
- G. The distributing, placing, posting, or affixing of posters, notices, or handbills on private property without consent of the owner or occupant except as authorized or required by law.
- H. The harboring of any exotic animal within the Township.
- I. Being the owner of a dog, to permit or to allow another person to permit his or her dog to do any of the following:
 - 1. To run at large within the Township.
 - 2. To trespass upon another person's real property or to in any manner injure or destroy any real or personal property belonging to another person including but not limited to breaking or tearing open any garbage bag containing garbage or rubbish awaiting pickup or otherwise spreading garbage or rubbish on another person's property.

3. To create malodorous or offensive waste conditions on the owner's property outside of a totally enclosed structure or anywhere on the property of another person; or
4. To whine, yelp, bark, howl or make other sounds common to its species such that said noise can be heard by any person from an adjoining lot line or from the right-of-way of any adjoining public street between the hours of 12:00 AM (midnight) and 5:00 AM or at any time in a habitual manner. For purposes of this subsection, "habitual" means whining, yelping, barking, howling, or making other sounds common to its species on three (3) or more occasions separated by at least one (1) hour within a one (1) week period.

30.400 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.

30.500 Industrial Usage

The storage or keeping of salvageable metal or wood shall not be prohibited on property on which is located a factory engaged in manufacturing, assembling or machining as long as the salvageable metal or wood is for resale or reuse by the occupant of the property and so long as such storage or keeping does not violate any of the provisions of the Township's Zoning Ordinance or permits issued thereunder.

30.600 Enforcement and Penalties

30.601 Violations. Any use of premises or land for the purposes described in Section 30.300 is a violation and is hereby declared to be a public nuisance per se. A designated Ordinance Enforcement Officer shall inspect each alleged violation and shall order correction in writing to the owner or responsible person(s) of all conditions found to be in violation.

30.602 Corrections. The property owner or responsible person(s) shall within ten (10) days after receipt of notification of the violation take the necessary steps to correct the condition and eliminate the violation.

30.603 Penalties. Any property owner or responsible person(s) who neglects, omits, or refuses to correct the conditions found to be in violation shall be charged with a criminal misdemeanor and shall on conviction be fined not more than five hundred dollars (\$500.00) together with the cost of prosecution, or by imprisonment in the county jail for not more than ninety (90) days, or both, at the discretion of the court. A separate offense shall be deemed committed for each day that a violation is permitted to exist.

30.604 Abatement by the Township. If, after receiving due notice of a violation, the owner or person(s) responsible for any property on which the nuisance exists fails to take the necessary corrective measures, the Township may elect to take direct action to abate or eliminate the nuisance. The Township shall notify the property owner or responsible person(s) in writing of the proposed Township action and give ten (10) days in which the owner or responsible person(s) may eliminate the nuisance without intervention by the Township. The notice may be served personally or may be sent by first-class mail to the last known address of the owner or responsible person(s) of the premises. The time period shall commence on the date of the personal service or in the case of mailing service shall be deemed to have taken place on the date of mailing.

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

30.605 Civil Infraction Option. The Township Board shall have the option of pursuing compliance with any provision of this Ordinance as a Municipal Civil Infraction rather than as a criminal misdemeanor when, in the judgment of the Township Board, such course of action is appropriate. Any action pursued as a Municipal Civil

Infraction shall be in accordance with the Township's Municipal Civil Infractions Ordinance and shall subject violators to civil fines and costs. Civil Fines shall be in accordance with the following schedule as established by the Municipal Civil Infractions Ordinance:

<u>Offense (Violation)</u>	<u>Fine</u>
Failure to comply with any provision of the Ordinance.	\$100.00
First Repeat Offense.	\$250.00
Second (or any subsequent) Repeat Offense.	\$500.00

Costs may also be assessed as provided in the Township's Municipal Civil Infractions Ordinance. In no case, however, shall costs of less than \$9.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.

When violations are pursued under the Civil Infraction Option and the owner or responsible person does not correct conditions found to be in violation and pay any civil fines and costs incurred and/or assessed, the Township shall have the right to pursue the matter as a criminal misdemeanor in accordance with the provisions of this Article.

30.606 Unpaid Fines, Costs, Charges, and Fees. Any civil infraction fines, abatement costs, charges, and other expenses resulting from Ordinance violation enforcement actions constitute debts due the Township. Such debts that remain unpaid for thirty (30) days from the date due shall become a lien upon the lands and property which were the subject of the offense for which the civil infraction charges were filed or Township costs were incurred and may be collected in the same manner as any contracted debt. The Township Board may also pursue collection under provisions of the Township's Special Assessment Ordinance.

30.700 Severance Clause.

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the Courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or parts hereof, other than the part so declared to be unconstitutional or invalid.

30.800 Separate Court Action

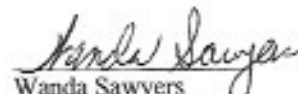
Nothing in this Ordinance shall prohibit the Township or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance.

30.900 Effective Date

This Ordinance shall take effect immediately upon publication as permitted by law following adoption by the Township Board.

Ordinance adopted May 12, 2005.


Daniel Gallagher
Bruce Township Supervisor


Wanda Sawyers
Bruce Township Clerk

Date Adopted: 5/12/05

Date of Publication: 5/17/05

Effective Date: 5/18/05