

**ALMIRA TOWNSHIP
AMENDMENT OF NUISANCE ORDINANCE
Ordinance No. 1 of 2013**

AN ORDINANCE TO AMEND ORDINANCE NO. 5 OF 2001, THE ALMIRA TOWNSHIP NUISANCE ORDINANCE, AS AMENDED, TO ADD TO THE LIST OF PROHIBITED NUISANCES THE EXISTENCE OF ANY STRUCTURE DAMAGED BY FIRE, WIND, OR OTHER CAUSE SO THAT IT IS NO LONGER HABITABLE OR WHICH OTHERWISE CONSTITUTES A DANGER TO THE PUBLIC HEALTH, WELFARE AND/OR SAFETY; AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE TOWNSHIP OF ALMIRA ORDAINS:

ARTICLE I. The Almira Township Nuisance Ordinance, Ordinance No. 5 of 2001, as amended, is hereby further amended to read as follows:

Section 1 - 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 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. "Garbage" does not include one (1) compost pile consisting of decaying organic substances intended for fertilizing land; provided, however, that the compost pile is no larger than five feet (5') square and is located on the property so that it cannot be seen from any public highway or seen from any adjoining land owned by another person.
- D. "Harbor or 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 a cat or dog" means any person or persons owning or harboring a cat or dog. Any person who harbors a cat or 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. "Clean firewood" means tree branches and logs, wood pellets, and other commercially available wood-based fuels manufactured for the purpose of use in fireplaces, wood stoves, furnaces, and other similar devices.
- I. Reserved for future use.
- J. "Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- K. "Rubbish" means nonputrescible solid wastes including ashes, paper, cardboard, metal containers, glass, bedding, crockery, bags, rags, and demolished materials.
- L. "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.
- M. "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 Benzie 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 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. 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 burning of any material other than clean firewood, including but not limited to building materials, garbage, or junk, either indoors or outdoors, in a manner that causes smoke and/or odors that are offensive to any reasonable person of normal sensitivities.
- I. Creating, permitting or allowing the existence of any structure or damaged partial structure which because of fire, wind or other cause, or physical deterioration, is no longer habitable as a dwelling, is nor currently useful for any other purposes for which it may have been intended, or which otherwise constitutes a danger to the public health, welfare and/or safety.

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 - 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.

Section 5 - 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 civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars plus costs as provided for by law. Each day this Ordinance is violated shall be considered as a separate violation.

Section 6 - Enforcement Officers

The Township Supervisor and Zoning Administrator are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 7 - Civil Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction

proceeding, the Township may initiate any other proceedings in the Circuit Court to abate or eliminate the nuisance or any other violation of this Ordinance.

Section 8 - 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 Supervisor or Zoning Administrator, after receiving authorization by the Township Board, may take such steps as are necessary to abate or eliminate the nuisance.

The cost of elimination of the nuisance by the Township, including reasonable attorney fees, may be collected 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 9 - 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.

ARTICLE II. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the township.

Adoption of the foregoing ordinance was moved by Ann Beaujean and supported by Matt Therrien.

Voting for: Roper, Therrien, Beaujean, Rineer, Clous

Voting against: None

The ordinance was declared adopted.

Mark Roper
Township Supervisor

CERTIFICATION

The above is a true copy of Ordinance No. 1 of 2013, which amended Ordinance No. 5 of

2001 and was duly adopted by the Almira Township Board of Trustees at a regularly scheduled meeting held on September 9, 2013.

Tammy Clous
Township Clerk

Amended: September 9, 2013

Published:

Effective Date: