

SOUTH BRANCH TOWNSHIP
NUISANCE ORDINANCE
Ordinance No. 21 of 2007

THE TOWNSHIP OF SOUTH BRANCH ORDAINS;

Section 1. Definitions. As used in the Ordinance,

“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.

“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 vegetable. “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.

“Junk” means by way of example and not limitation, used or salvaged metals and their compounds or combination, used or salvaged rope, rubber, tires or car parts.

“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 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.

“Rubbish” means non-putrescible solid wastes including ashes, paper, cardboard, metal containers, glass, bedding, crockery, bags, rags, and demolished materials.

“Person” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

“Sealed container” means a covered container capable of being closed 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 doors capable of being closed 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 Crawford 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 be 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 structure or damaged partial structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling, nor currently useful for any other purposes for which it may have been intended.
- G. The existence of any vacant building, garage, house or outbuilding unless such structure is kept secure from entry by the public.

- H. 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.

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 possesses 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 allowed by the Township Zoning Ordinance as long as the salvageable metal or wood is for resale or reuse by the occupant of the property.

Section 5. Penalty.

Any person who violates 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 Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 6. Enforcement.

The Zoning Administrator or other person named by the Township Board 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 7. Nuisance per Se.

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 8. Civil Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 9. 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 Zoning Administrator or other person named by the Township Board, after receiving authorization by the Township Board, may 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 give thirty (30) days in which the owner or possessor may eliminate the nuisance without intervention by the Township. The written notice may be served personally or may be sent certified mail, restricted delivery, return receipt requested to the last known address of the owner or occupier 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 and/or possessor of the property on which the nuisance existed and/or against the person who committed, created, or maintained the nuisance.

Section 10. Severability.

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

Section 11. Effective Date.

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

TOWNSHIP OF SOUTH BRANCH

By: Tom Kozlowski, Supervisor

By: Lynn George, Clerk