

**REPUBLIC TOWNSHIP ORDINANCE
MARQUETTE COUNTY, MICHIGAN**

NUISANCE ORDINANCE

ORDINANCE NO. 2019 - 6

An ordinance to preserve the peace, welfare, order, health, and safety of persons and property within Republic Township; to provide penalties for the violation of said Ordinance; and to repeal existing Ordinances 2013-11 Nuisance Abatement and 2013-12 Republic Animal Control.

THE TOWNSHIP OF REPUBLIC, COUNTY OF MARQUETTE, ORDAINS:

SECTION 1. Title

This Ordinance shall be known and cited as the “Republic Township Nuisance Ordinance”.

SECTION 2. Purpose

It is the purpose of this Ordinance to preserve the peace, welfare, order, health and safety of persons and property within Republic Township by the prevention or elimination of certain causes of nuisance, which exist, or may in the future exist, in the Township.

SECTION 3. Definitions

As used in this Chapter:

- A. The term "persons" or "person" shall be read to refer to: any natural person; corporations, partnerships, or associations; and corporate officers and officials existing under, or authorized to exist under, the laws of the State of Michigan, any other state, or any foreign country.
- B. The term "nuisance" shall be read to refer to any act, acts, or omission to act on the part of any person which create or permit the existence of a situation which annoys, injures, or endangers the peace, welfare, order, health and/or safety of the public in their persons or property. The term “nuisance” shall be read to include, but not be limited to:
 - 1. Conditions which render persons insecure in life or in the use and enjoyment of their property (i.e. effects and emanations from noise, glare, lights, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, or decaying matter), whether such effects and emanations are natural, or result from human and/or mechanical alteration or manipulation of materials; also including unsafe site conditions such as open, unbarricaded excavation and abandoned swimming pools.
 - 2. Residues or leaching from deposits of matter which seep into water on the surface or in the ground thereby making it unfit or unpalatable for human consumption, or for use by domestic animals.
 - 3. Any condition which is indecent, obnoxious, or offensive to the senses.
- C. “Garbage” means rejected food waste, including waste accumulation of animal, fruit or vegetable matter used or intended for food that relates to the preparation, use,

cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables. "Garbage" does not include a compost pile that consists of decaying organic substances intended for fertilizing land.

- D. "Junk" by way of example and not limitation, the term shall include used or salvaged metals, and their compounds, or combination of used or salvaged rope, rubber, tires or car parts.
- E. "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.
- F. "Rubbish" means non-putrid solid wastes, including ashes, paper, cardboard, metal containers, glass, bedding, crockery, bags and demolished materials.
- G. "Sealed Container" means a covered, closeable container, which is rodent proof, fly proof and water tight; such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.
- H. "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 closeable doors around its perimeter.
- I. "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.
- J. "Exotic/Dangerous 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, also Domestic Animals if not restrained or kept in a safe manner.
- K. "At Large Animal" means off the premises of the Owner and not under the control of the Owner, or by a member of the owners immediate family, by leash, cord, chain or otherwise.

SECTION 4. Regulations

The following are hereby declared to be nuisances:

- A. The following acts of Vandalism, including but not limited to:
 - 1. The painting of GRAFFITI to any person's property.
 - 2. Keying or maliciously scratching another person's motor vehicle.
 - 3. Illegally cutting trees on property without the owner(s) permission.
 - 4. Errant firing of any firearm, including BB guns and other air rifles.
 - 5. The firing of any firearm, including BB guns and other air rifles, without reasonable care being taken to prevent a projectile from crossing the bounds of any property.
 - 6. Reckless and malicious use of paint guns causing injury or damage to other persons, property, or animals.
 - 7. Malicious destruction of another person's property within the Township; including littering of garbage, destruction of plants or plant material, damage to physical property or defacing any other person's dwelling or out buildings.

- 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 applied 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 with the consent of the owner or occupant, except as authorized or required by law.
- H. The harboring of any exotic/dangerous animal within the Township.
- I. Being the owner of a dog, to permit or to allow another person to permit or allow 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 owners' property, outside of a totally enclosed structure, or anywhere on the property of another person; or
 4. To whine, yelp, bark, howl or make 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 an adjoining public street, between the hours of 10:00pm and 6:00am or at any time in a habitual manner. For the purposes of this subsection, "habitual" means whining, yelping, barking, howling or making other sounds that are common to its species on three (3) or more occasions, separated by at least one (1) hour within a one (1) week period.

SECTION 5. Enforcement and Penalties

This ordinance shall be enforced by such persons who shall be so designated by the Township Board.

The owner, if possible, and the occupant of any property upon which any of the causes of a nuisance set forth in Section 4 hereof is found to exist shall be notified in writing to remove or eliminate such causes of a nuisance from such property within fifteen 15 days from the date of mailing the notice. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of the nuisance are in progress.

Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this ordinance.

Any person defined in Section 3, to whom a notice was sent pursuant to the provisions of this

Section, who shall fail or refuse to abate, destroy or remove the nuisance on conviction thereof, shall be punished as provided by the MUNICIPAL CIVIL INFRACTION ORDINANCE.

SECTION 6. Severability

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 7. Repeal

Republic Township Ordinances 2013-11 Nuisance Abatement and 2013-12 Republic Animal Control are hereby repealed in their entirety and all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 8. Effective Date and Adoption

This Ordinance shall take effect thirty (30) days following publication after adoption by the Township Board.

This Ordinance was offered for adoption by Township Board Member _____ and was seconded by Township Board Member _____, the vote being as follows:

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Republic Township Board at a regular meeting held at the Republic Township Hall on _____, 20____, at _____ p.m., pursuant to the required statutory notice and procedures.

Published _____

Marilyn Brancheau, Republic Township Clerk