

*Effective
June 29, 1997*

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 26
NUISANCE**

An ordinance to prohibit public nuisances, to declare certain acts, omissions, conditions, apparatus and structures to be public nuisances per se, to regulate the storage of inoperable and abandoned motor vehicles, to provide for the abatement of public nuisances and the collection of expenses in connection therewith, to provide for a penalty for the violation thereof.

SECTION I: Short Title

This ordinance may be cited and referred to as the "Nuisance ordinance of St. Ignace Township, St. Ignace, Michigan".

SECTION II: Nuisance Defined and Prohibited:

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lakes or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this ordinance. No person, firm or corporation shall commit, create, allow or maintain any public nuisance.

SECTION III: Nuisances per se:

The following acts, omissions, conditions, apparatus and structures are hereby declared to be nuisances per se:

- (1) The throwing, placing, depositing, keeping, maintaining or leaving in any street, highway, lane, alley, sidewalk or public place, or in any private place or premises, by any person, firm or corporation, of any animal or vegetable substance, dead animal, fish, shell, tin cans, metal, bottles, glass, stones, bricks, brush, litter or other rubbish, dirt, excrement, filth, unclean or nauseous water, liquid or gaseous fluids, hay, straw, soot, garbage, or any other offensive or dangerous article or substance whatever; provided, that nothing herein shall be construed prohibit the placing of litter in designated refuse receptacles, not the storage or refuse in sanitary containers for reasonable periods of time until disposed of, nor the dumping of refuse at any location designated by the Township of St. Ignace as an official dumping site.
- (2) The pollution of any stream, river, lake or other body of water by any garbage, rubbish, litter, foul or nauseous liquid or water, or commercial or industrial wastes.
- (3) The maintenance of any pond, pool or water, or vessel holding stagnant water.
- (4) The emission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities.
- (5) The obstructing of or the discharge into of the depositing in any water course, drain or sewer of the Township, or in any drain or sewer connecting with those of the Township, of any oil grease, inflammable liquid, chemical, substance or material damaging or harmful to Township water courses, drains or sewers, or detrimental to the operation thereof or injurious to the health of the Township's inhabitants by reason of such discharge or deposit.

- (6) The placing, keeping, maintaining or leaving on any public or private place or premises, either inside or outside any building or structure in a place accessible to children, any unused, abandoned, unattended or discarded icebox, refrigerator or any other airtight container of any kind which has a snap latch or other kind of locking device thereon, without first removing the snap latch or other locking device, on the door, lid or cover from such icebox, refrigerator or other airtight container.
- (7) All explosives, inflammable liquids and other dangerous substances stored or kept in any manner or in any amount contrary to the statutes of the State of Michigan.
- (8) All dangerous, unguarded excavations or machinery in any public place, or so situated, left or operated on private property as to attract or be readily accessible to the public.
- (9) All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the ground.
- (10) All barbed wire fences which are located within three (3) feet from any Public walkway.
- (11) The distribution of samples of medicines, drugs or any product, object or substance of any kind which could be harmful if taken internally by children or other persons, unless each such sample is placed directly in the hand of an adult person.

SECTION IV: Abandoned Vehicles

No person, firm or corporation shall park, store, keep, maintain, leave or allow any dismantled, partially dismantled, wrecked, junked, discarded, abandoned or inoperable motor vehicle or any parts thereof on any private premises or property under his ownership, tenancy or control. An abandoned motor vehicle shall include and is declared to be a public nuisance if said vehicle is inoperative for any reason for period in excess of sixty (60) days, provided however, any inoperative vehicle which is not in operation for lack of a license, shall not be declared a public nuisance unless it has been unlicensed more than six (6) months. Such nuisances shall be abated according to the provisions of Section 6 of this ordinance. Provided, that this section shall not be deemed to apply to the storage of motor vehicles in a fully enclosed building, or by a licensed junk dealer. Provided further that notwithstanding any provisions herein to the contrary, the Zoning Inspector, upon written application, may exempt from the provisions of this ordinance for any reasonable period of time, and historic or classic vehicle, any vehicle in the process of restoration or repair, or any vehicle which by reason of special circumstances is deemed by him to warrant such exemption.

SECTION V: Other Nuisances

It is the legislative intent of St. Ignace Township, in adopting this ordinance, that all provisions and section herein be liberally construed to protect the peace, health, safety and welfare of the inhabitants of the Township and the Township Board hereby reserves the power and authority, to abate any public nuisance or hazard, whether specifically prohibited by this ordinance or not.

SECTION VI: Abatement of Nuisances

Any act, omission, condition, apparatus or structure prohibited by this ordinance shall be abated by the Township Board in accordance with the following procedure:

- (1) The Board shall first investigate the alleged nuisance to determine whether or not a public nuisance, as defined herein, exists, and to further determine the person or persons who are committing, creating, allowing or maintaining such nuisance.
- (2) The Clerk shall then give written notice to the person or persons responsible for committing, creating, allowing or maintaining such nuisance, specifying in particular the nature of such nuisance, the corrective action to be taken to abate such nuisance, and the time limit for abatement of such nuisance, which shall be a reasonable period of time but not to exceed ten (10) days from the time such notice is served. Such notice shall be given:
 - (a) by posting such notice upon the premises; or
 - (b) by personal service; or
 - (c) by registered or certified mail addressed to the address set forth in the current assessment roll of St. Ignace Township or the records of the Assessor.
- (3) If, at the expiration of the time limit in said notice, the person or persons responsible for committing, creating, allowing or maintaining such nuisance shall not have complied with the requirements thereof, the Board shall carry out the requirements of said notice by whatever reasonable means are necessary to accomplish it, including the use of contracted services. The cost of such abatement, including a reasonable overhead charge, shall be a debt owed to the Township by the person or persons responsible for committing, creating, allowing or maintaining such nuisance; and if such nuisance is attributable to the use, occupancy or ownership of any lands or premises within the Township, shall be charged against such premises in accordance with the provisions of the Township General Rule Authority.

SECTION VII: Appeal

Upon written request, the Township Board may make written exception in writing for a reasonable period of time under special circumstances which would prohibit or make impractical the enforcement of any section of this ordinance. The granting or rejection of such request shall be at the discretion of the Township Board.

SECTION VIII: Disregarding Notice or Orders

Any person who shall fail to comply with any notice or order under the provisions in this ordinance shall be deemed guilty of a violation of this ordinance.

SECTION IX: Emergency Cases

Notwithstanding the provisions in Section 8 of this ordinance, the Township Board is hereby authorized to abate immediately, by any reasonable means available, any public nuisance which constitutes an immediate danger to the life, health or safety of any person, after making a reasonable attempt to contact the person or persons responsible for committing, creating, allowing or maintaining such nuisance in person, by telephone and other available means of instantaneous communication. The cost for such abatement shall be charged and collected as provided for in Section 6 of this ordinance.

SECTION X: Abatement Does Not Preclude Court Action

Any action taken by the Township Board to abate any public nuisance shall not affect the Township's right to institute proceedings against the person or persons committing, creating, allowing or maintaining any public nuisance for violation of this ordinance, nor affect the imposition of the penalty prescribed for such violation. As an additional remedy, upon application by the Township to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation or threatened violation restrained or enjoined.

SECTION XI: Penalty

Any person, firm or corporation who violates this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment, at the discretion of the Court.

SECTION XII: Separability

Should any section of this ordinance be declared by any Court to be invalid, the case shall not affect the validity of the remaining portions of such section of the ordinance or part so declared to invalid.

SECTION XIII: Effective Date *June 29, 1997*

This ordinance should become effective ten (10) days after its enactment and after its publication.