

**TOWNSHIP OF INDIANFIELDS
TUSCOLA COUNTY, MICHIGAN**

**ORDINANCE AMENDING ORDINANCE NO.50
PUBLIC NUISANCE ORDINANCE**

Ordinance No. 54

At a meeting of the Township Board of Indianfields, Tuscola County, Michigan, held at the Indianfields Township Hall on June 1, 2018, at 6:30 p.m., Township Board Member Smith moved to adopt the following Ordinance, which motion was supported by Township Board Member Osborn:

An Ordinance to amend Ordinance No. 50 to modify the title of said Ordinance; to modify and clarify the farm use exemption and the semi-trailer allowance exemption of said Ordinance; to promote the health, safety, and welfare, by providing for the regulation, prevention, reduction, or elimination of public nuisances in the Township, defining and prohibiting public nuisances; declaring certain acts, apparatus, accumulations, violations, and activities as public nuisances per se; providing the procedure for abatement of public nuisances, enforcement of this ordinance, and recovery of costs incurred by Indianfields Township; and repealing all ordinances or parts of ordinances in conflict with this Ordinance.

THE TOWNSHIP OF INDIANFIELDS ORDAINS:

Section 1. Amendment to title of Ordinance No. 50. The title of Ordinance No. 50 shall be amended to read as follows:

An Ordinance to promote the health, safety, and welfare, by providing for the regulation, prevention, reduction, or elimination of public nuisances in the Township, defining and prohibiting public nuisances; declaring certain acts, apparatus, accumulations, violations, and activities as public nuisances per se; providing the procedure for abatement of public nuisances, enforcement of this ordinance, and recovery of costs incurred by Indianfields Township; and repealing all ordinances or parts of ordinances in conflict with this Ordinance.

Section 2. Amendment to Section 3 of Ordinance No. 50. Section 3 of Ordinance No. 50 shall be amended to read as follows:

SECTION 3. PUBLIC NUISANCES PROHIBITED; PUBLIC NUISANCES PER SE.

Public Nuisances are prohibited in the Township. No person shall commit, create or maintain any public nuisance. The following acts, apparatus, accumulations, violations and activities within the Township are hereby prohibited as public nuisances *per se*, unless otherwise expressly permitted or approved by the Township Board:

1. No person shall maintain or permit to remain on premises owned or occupied by him or her; or throw, place or leave; or permit the throwing, placing or leaving on the premises of another any of the following substances: junk, garbage, discarded furniture, appliances and household goods, building materials, construction debris, tires, mobile home components, inoperable equipment, industrial waste, unclean or noxious fluids or gases, in any of the following locations:
 - a. Any public street, highway, lane, road, alley, public place, square, sidewalk, or any lands within the boundaries of the Township owned by the Township or other municipal corporation.
 - b. Any river, lake, stream, or other body of water.
 - c. Any private place or premises where in the opinion of the Township Ordinance Enforcement Officer or his/her agent, the specified substances constitute a dangerous condition or are detrimental to the public health, safety, or welfare or offend aesthetic sensibilities or may cause sickness or attract flies, insects, rodents, or vermin.
2. The emission of noxious fumes or gas, smoke, ashes, dust or soot in such quantities as to render occupancy of property dangerous or uncomfortable to a person of ordinary sensibilities.
3. The keeping, placing, injecting, dumping, or discharging by any means of toxic or hazardous waste, explosives, inflammable liquids, or other dangerous substances into the air, water, or subsurface soil, or onto the surface of the ground, or stored in any manner or in any amount contrary to the provisions of any statute or applicable administrative regulation of the state of Michigan.
4. All dangerous, unguarded excavations or dangerous, unguarded machinery in any public place, or so situated, left upon or operated on private property as to attract the public.
5. Unless under the reasonable control of a person, the failure to keep any dog on the property of its owner or custodian or to restrain it from entering the public way or the property of another.
6. Leaving, keeping, storing or maintaining a junk motor vehicle on any premises, unless such vehicle is completely enclosed within a lawful building. For purposes of this Ordinance, a junk motor vehicle is any vehicle that is self-propelled or intended to be self-propelled, or any portion of such a vehicle, that:
 - a. Is subject to registration under the Michigan Vehicle Code, MCL 257.1, et seq, and has not been registered or does not display an unexpired and valid license plate for the vehicle; or

- b. Has remained on a premises for a period of thirty (30) days or more, and does not have an engine in running condition, four (4) inflated tires and a battery, or is incapable of safe operation on the streets and highways as required by the Michigan Vehicle Code; or
- c. For any reason, including dismantling, disrepair or otherwise, is not operable, not repairable, cannot be started, or is unable to be propelled under its own power.

Junk motor vehicles, for purposes of this Ordinance, shall not include vehicles lawfully kept as stock in trade by a state-licensed dealer in motor vehicles.

- 7. Leaving, keeping, storing or maintaining an abandoned motor vehicle on any private or public property within the Township. For purposes of this Ordinance, an abandoned vehicle is either:
 - a. A motor vehicle that has remained on private property without the consent of the owner; or
 - b. A motor vehicle that has remained on public property for a period of not less than 48 hours.

In addition to the procedures allowed by this Ordinance for the abatement and removal of public nuisances, an abandoned vehicle may be disposed of as provided for in the Michigan Vehicle Code, MCL 257.252a, et seq.

- 8. The outdoor storage of mobile homes (other than those which are legally used and occupied for dwelling purposes), truck bodies or semitrailers, whether licensed or not, either as vacant units or storage units; except that a bona fide operating farm with a Farm Service Agency number may utilize not more than one (1) semitrailer for farm storage for that farm.
- 9. Any structure or part thereof which, because of fire, wind or other natural disaster, or merely by virtue of physical deterioration, is no longer habitable as a dwelling or useful for any other purposes for which it may originally have been intended.
- 10. The making, continuing, or causing to be made, or knowingly assisting, allowing or encouraging any other person or persons to make, continue or cause any loud noise which either disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the Township of Indianfields. Such noises deemed to be loud, disturbing noises in violation of this Ordinance include, but are not limited to:
 - a. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Township except as a danger warning; the creation by means of any such signaling device of any unreasonable loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.

- b. The keeping of any animal, bird or fowl that emanates frequent or extended noise that unreasonably disturbs the quiet, comfort or repose of a person of reasonable sensitivities; such as allowing or permitting any loud, frequent or habitual barking, yelping, or howling of any dog in an area where such barking can be clearly heard from nearby residential property.
- c. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- d. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise.
- e. Intentionally or by the immoderate operation of a motor vehicle to cause tires to scream or screech.
- f. The using, operating, or permitting to be played, any radio receiving set, musical instrument, phonograph, loudspeaker, or any other mechanical or electrical device capable of producing or reproducing sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room or vehicle in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- g. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the functions of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.
- h. The transportation of rails, pillars, or columns or iron, steel, or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- i. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise.
- j. The operation of any noise-creating blower or power fan, or any internal combustion engine the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

11. None of the prohibitions enumerated above shall apply to the following:

- a. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- b. Warning devices emitting sound for warning purposes as authorized by law.
- c. The noises of animals and machines that are necessary to the operation any bona fide farming operation in accordance with the Michigan Right to Farm Act (RTFA) and conforming to generally accepted agricultural management practices (GAAMPs) developed by the Michigan Department of Agriculture and Rural Development.
- d. The use and storage on a bona fide farming operation of operable agricultural machines and equipment directly and currently used as part of that specific farming operation, in accordance with the Michigan Right to Farm Act (RTFA) and conforming to generally accepted agricultural management practices (GAAMPs) developed by the Michigan Department of Agriculture and Rural Development. Any other operable or inoperable agricultural machines and equipment must be stored only within a completely enclosed lawful structure.

Section 3. Effective Date. This Ordinance Amendment shall take effect 30 days following its publication as provided by law after final adoption by the Township Board.

Section 4. Repeal. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: Osborn, Smith, Rendon, Sauber

NAYS: None

ABSENT/ABSTAIN: Woloshen

The Ordinance was declared ADOPTED.

Ray Rendon, Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Indianfields Township Board at a duly scheduled and noticed meeting of that Township Board held on June 01, 2018, pursuant to the required statutory procedures.

2. A summary of the above Ordinance was duly published in the _____ newspaper, a newspaper that circulates within Indianfields Township, on June __, 2018.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Tuscola County Clerk on June __, 2018.

ATTESTED:

Cristi Smith, Indianfields Township Clerk