

ORDINANCE NO 40

AN ORDINANCE TO PROHIBIT THE MAINTENANCE OF NUISANCES WITHIN THE TOWNSHIP OF PLAINFIELD

THE TOWNSHIP OF PLAINFIELD ORDAINS:

Section 1. 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 lake 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 shall commit, create, or maintain any nuisance.

Section 2. Nuisance

The following things, acts, failures to act, and uses of property are hereby specifically enumerated, but not by way of limitation, and declared to be public nuisances and are hereby expressly prohibited as follows:

- a) No person shall burn any garbage, hides, feathers, animal matter or any other matter, the burning of which may emit offensive odors within the Township of Plainfield without a permit.
- b) No person shall burn leaves, papers, refuse or kindle any open fire in any manner which may be or which may cause a fire hazard within the Township of Plainfield, without first obtaining a permit.
- c) No person shall maintain or operate any slaughterhouse, or other premises, place, room or shop where animals or fowl are killed without first obtaining a permit therefore from the Township Board.
- d) No person shall distribute or give away any drug, medicine or any chemical compound or mixture containing drugs or medicine upon any public street, alley or public place, or by going in or upon private premises or property.
- e) No person shall cause any disturbance that disturbs the peace and harmony of their neighbor, including but not limited to music or any noise emitted by any speaker device after 11:00 p.m.
- f) No person shall permit or allow any manure, offal, rubbish, rubble, refuse, junk or waste paper to collect or lie upon any property owned or occupied by him in such a manner that may attract flies, vermin or rodents, or as to emit offensive odors, or that may annoy or offend ordinary decency in a residential neighborhood.
- g) No person shall bury and biodegradable trash, garbage, or any other refuse.
- h) No person shall throw, scatter or deposit, or cause to be thrown, scattered or deposited, any poster, handbills, cards or other written or printed matter or any waste paper in any public street, alley or public place, nor shall any person leave or deposit the same or cause the same to be left or deposited on any motor vehicle or other private property in such a manner as to permit them to be blown or fall on any street, alley or other public place.
- i) No person shall deposit, place or throw any dead or sick or injured animal, or part thereof, or any garbage, rubbish or other animal or organic matter into any reservoir or into or upon the banks of any stream, lake, pond, sewer or well within the Township.

- j) No person shall operate or maintain an automobile wrecking yard or a yard for storage of second hand building material, or for any other storage of used parts, junk, cinders, or other materials the piling of which or open storage of which may be offensive to owners or residents of the Township.
- k) No person, firm or corporation shall par, store or place upon any public property or public right-of-way or any premises primarily used or zoned for any type of residential purpose within the Township, any motor vehicle, house trailer or tractor trailer or new or used parts or junk therefrom unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the township, County or State of Michigan except for the following:
 - i. Duly licensed and operable vehicles or trailers with substantially all main component parts attached.
 - ii. Licensed vehicles or trailers that are temporarily inoperable because of minor mechanical failure but which are not in any manner dismantled and have substantially all main component parts attached may remain on such private property for up to thirty (30) days.
 - iii. Not more than one (1) vehicle in fully operating condition such as a stock car or unlicensed vehicle that has been redesigned or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the vehicle may be stored. No such modified vehicle may be parked in the front or side yard area of any such residential premises.
 - iv. No repairing, designing, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way, public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of seventy-two (72) hours except that which can be accomplished within a fully enclosed building or back yard, and will not constitute a nuisance or annoyance to adjoining property owners or occupants and does not violate any provisions of the Township Zoning Ordinance. All work done within the seventy-two (72) hour period shall not consist of any major repair, redesigning, modifying or dismantling work but only such occasional minor work as may be infrequently required to maintain a vehicle or trailer or parts thereof in normal operating condition.

Section 3. Exceptions

1. In the event the foregoing regulations create any special or peculiar hardship beyond the control of a particular violator because of unforeseen circumstances, the Building and/or Zoning Inspector of the Township is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a period of time not to exceed fourteen (14) days provided no adjoining property or occupant is unreasonable or adversely affected thereby and the spirit and purpose of the Ordinance are still substantially observed.
2. This Ordinance shall not prevent the operation of any licensed junkyard, salvage yard, garage, body or paint shop legally operating within a proper zone as defined in the Township Zoning Ordinance and shall be an addition to any other laws or ordinances respecting rubbish, refuse, litter, trash or junk control and regulations.

Section 4. Legal Actions

In addition to the imposition of any fines and/or penalties that the Township Zoning Administrator, any Township police officer or such other official as the Township Board may designate, may cause any vehicle, trailer, parts or junk thereof which violate the provisions of this Ordinance to be removed from the premises, impounded and destroyed or sold for junk at the discretion of said officer, and the cost thereof assessed against the owner of such vehicle, trailer, parts or junk or owner of the premises on which the same are located. Any sums realized on the sale of such removal shall be paid to the Township to the extent of such costs. Any balance of such sums remaining after such reimbursement shall be returned to the owner of such vehicle, trailer, parts or junk thereof.

Section 5. Owner's Responsibility

It is hereby declared unlawful for any person, corporation, or unincorporated group of persons, to cause, erect, maintain, and allow to exist, or allow any conditions to exist, which may result in a public nuisance within the Township of Plainfield. The owner or owners of any parcel of land or building, tenant, or occupant thereof, or person in possession of or having charge of said land or building shall be hereby charged with notice of the existence of any public nuisance in or upon said lands, or building and subject to the provisions of the Ordinance.

Section 6. Penalty

Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance shall be guilty of a civil infraction. Upon conviction thereof before any Court of the County, the punishment shall be a fine not to exceed \$1,000.00, plus court costs. Each day of continuing violation shall be construed as a separate offense hereunder. Notwithstanding any other provisions of this Ordinance the Township shall be entitled to commence civil action to enjoin any violation of this Ordinance. The Township shall be entitled to collect all costs, expenses and attorney fees for any criminal or civil action.

Section 7. Immediate Effect

This Ordinance being necessary for the safety and general welfare of the residents of the Township of Plainfield, it is hereby ordered to take immediate effect.

Section 8.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

I hereby certify that the foregoing Ordinance was adopted by the Board of the Township of Plainfield on the 17th of September, 2003.

I certify that the foregoing Ordinance was published in the Iosco News, a newspaper published and circulated in the County of Iosco on the 8th day of October, 2003.

I certify that the foregoing Ordinance was filed with the Iosco County Clerk on the 29th of September, 2003.

(signed Elaine J. Bielby, Township Clerk)