

FULTON TOWNSHIP PUBLIC NUISANCES ORDINANCE

Ordinance No. 28

An ordinance to promote the health, safety, and welfare of the people of Fulton Township, Gratiot County, Michigan, by the regulation, prevention, reduction or elimination of the blight or potential blight in the Township, defining and prohibiting blight; declaring certain acts, apparatus, accumulations, violations, and activities as public nuisances per se,; enforcement of this ordinance, and recovery of costs incurred by Fulton Township; and repealing all ordinances or parts of ordinances in conflict with this ordinance.

THE TOWNSHIP OF FULTON, GRATIOT COUNTY, MICHIGAN, ORDAINS:

SECTION 1: TITLE. This ordinance shall be known and cited as the Fulton Township Public Nuisances Ordinance.

SECTION 2: DEFINITIONS.

“Building Materials” means to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

“Litter or Junk” means all rubbish, refuse, waste material, and garbage, including, but not limited to: organic refuse; food wastes; drug paraphernalia; ashes; dead animals; fish; animal bones; hides; rotten soap; parts of machinery or motor vehicles, grease, tallow, offal, shell, food containers or wrappings; cans; bottles; jars; crockery; garbage; discarded or abandoned furniture or materials, including camping and picnic gear and equipment; cartons; boxes; crates; rags; clothing; bedding; floor covering; wallpaper; sweepings; waste paper; newspapers or magazines; discarded appliances; excrement; construction debris including, but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding; yard debris or rubbish including, but not limited to, grass clippings, clippings from hedges or shrubs, or detached tree branches; industrial waste; and unclean or nauseous fluids or gases.

“Public Nuisance” means whatever injures or endangers the safety, health, welfare, or repose of the public; or renders dangerous any street, highway, navigable lake, or stream. Public nuisances shall include, but shall not be limited to, whatever is forbidden by any provision of this Ordinance.

SECTION 3: PUBLIC NUISANCE PROHIBITED. Public Nuisances are prohibited in the Township. No person shall commit, create, or maintain any public nuisance.

SECTION 4: PUBLIC NUISANCES *PER SE*. The following acts, apparatus, accumulations, violations, and activities within the Township are hereby declared to be public nuisances *per se*, unless otherwise permitted by the Township Zoning Ordinance:

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: garbage, discarded furniture, appliances and household goods, building materials, construction debris, concrete, electrical materials, industrial waste, unclean or nauseous 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 Code Enforcement Officer or his/her agent, the specified substances constitute a dangerous condition or are detrimental to the public health, safety, or welfare 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 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 and to restrain from entering the public way or the property of another.
6. 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.
7. 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.

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

An abandoned vehicle may be disposed of as provided for in the Michigan Vehicle Code, MCL 257.252a, et seq.

- 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. Exceptions. None of the prohibitions enumerated above shall apply to the following:
 - (i) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 - (ii) Warning devices emitting sound for warning purposes as authorized by law.
 - (iii) The storage of machines and agricultural equipment and the noises of animals and machines as a result of farming operations, including those operations protected by the Michigan Right to Farm Act (RTFA) and conforming to generally accepted agricultural management practices (GAAMPs) developed by the Michigan Department of Agriculture.

SECTION 5: ABATEMENT; COSTS. All expenses incurred by the Township, the Township Ordinance Enforcement Officer or his/her agent in repairing, tearing down, abating, or removing a public nuisance under this Ordinance, or otherwise enforcing this Ordinance shall be charged to the person responsible therefor, the occupant of the land in question, or the person who appears as an owner or a party in interest upon the last local tax assessment records of the Township. If such person fails to pay the charge within 30 days after a statement therefor is mailed to him or her, the amount of expenses incurred by the Township, the Township Ordinance Enforcement Officer or his/her agent in repairing, tearing down, abating, or otherwise removing the public nuisance may be paid from the Township general fund and the amount thereof assessed against the lands on which the expenditures were made on the next general tax assessment roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

SECTION 6: SEVERABILITY. The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 7: REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed, including Ordinance No. 9, *School Trespass Ordinance*; Ordinance No. 20, *Dog Ordinance*; and Ordinance No 22, *Anti-Blight/Nuisance Ordinance*; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Zoning Ordinance.

SECTION 8: EFFECTIVE DATE. This ordinance shall take effect 30 days after publication as required by law.

The above ordinance was offered for enactment by Phil Foster and was supported by Jay Childers at a regular meeting of the Fulton Township Board, held at the Fulton Township Hall, on the 21st day of September, 2017, at 9:00 a.m., the vote being as follows:

YEAS: 5

NAYS: 0

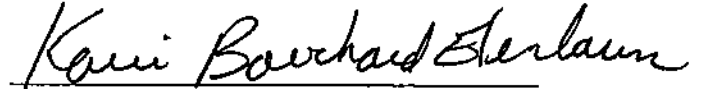
ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Denise Rossman
Denise Rossman, Fulton Township Supervisor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Fulton Township Board at a meeting held on September 21, 2017, pursuant to the procedures required by law.



Kari Bouchard-Elenbaum
Fulton Township Clerk

**NOTICE OF ADOPTION
PUBLIC NUISANCE ORDINANCE
Fulton Township
Gratiot County, Michigan
ORDINANCE NO. 28**

Please take notice that on September 21, 2017, the Township Board of Fulton Township adopted Ordinance No. 28, which defines and prohibits public nuisances and public nuisances per se, classifies public nuisances as municipal civil infractions, provides procedures for the abatement of public nuisances and the recovery of associated costs, and repeals all contrary ordinances or parts of ordinances. Copies of the Public Nuisances Ordinance may be obtained from Karri Bouchard Elenbaum, Fulton Township Clerk, at 3425 W. Cleveland Road, Perrinton, MI 48871.

The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Definitions; Section 3: Public Nuisance Prohibited; Section 4: Public Nuisances Per Se; Section 5: Abatement; Costs; Section 6: Severability; Section 7: Repeal; Section 8: Effective Date, which is thirty (30) days after publication of this notice.

Published by Order of the Township Board
Fulton Township, Gratiot County, Michigan
Karri Bouchard Elenbaum, Township Clerk
(989) 236-5102

Publication Date: October 12, 2017

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