

140.000

**ANTI-NOISE AND PUBLIC NUISANCE**

**Ord. No. 40.01**

**Adopted: February 10, 1997**

An Ordinance to secure and contribute to the public health, safety and general welfare of the residents and property owners of Vevay Township, Ingham County, Michigan by regulation of noise, and emission of dust, smoke, fly ash or noxious odors or glare within said Township; to repeal Vevay Township Ordinance Number 40; to define terms and prohibited conduct and exceptions; to prescribe penalties for the violation of this Ordinance; and to establish an effective date hereof.

THE TOWNSHIP OF VEVAY, INGHAM COUNTY, MICHIGAN, ORDAINS:

**140.001 Title.**

Sec. 1. This Ordinance shall be known and cited as the "Township Anti-Noise and Public Nuisance Ordinance."

**140.002 Definitions.**

Sec. 2. The following terms used in this Ordinance shall have the following meanings:

- (a) *Audible* means being heard or the capability of being heard by a person(s) with ordinary hearing.
- (b) *Construction* means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excludes demolition for or of public right-of-way, structures, utilities, or similar property.
- (c) *Demolition* means any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- (d) *Emergency* means any situation or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
- (e) *Emergency work* means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an emergency following a public or private calamity or accident.
- (f) *Muffler* means a device used for lessening the sound of escaping gasses of an internal combustion engine.
- (g) *Noise or noise disturbance* means any sound that is loud, unnecessary, unusual, or unreasonable and which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of persons with normal sensitivities.

- (h) *Agricultural areas* mean those areas that allow the possession and keeping of animals such as, but not limited to, horses, cows, sheep, chickens, and other animals commonly found on agricultural use properties.
- (i) *Person* means any individual, association, partnership, limited liability company or corporation, and includes any officer, employee, department, agency, or instrumentality of the state or any political subdivision thereof.
- (j) *Residence or residential area* means any areas used for living purposes, such as one- and two-family homes, apartments, condominiums, and hotels or motels.

**140.003 Anti-noise regulations.**

## Sec. 3.

- A. No person shall cause or create any unreasonable or unnecessarily loud noise or disturbance injurious to the health, peace or quiet of the residents and property owners of the Township, including, but not limited to:
  - 1. Sounding any horn or signal device on any automobile, motorcycle, bus or other vehicle for reason other than as a signal in response to an imminent danger and implemented as an immediate safety measure, for an unnecessary or an unreasonable duration, or unreasonably loud or harshly.
  - 2. Playing or amplifying any radio, phonograph, stereo, tape or disc player, car stereo, musical instrument or other electronic sound producing device in such a manner or with such volume so as to annoy or disturb the quiet, comfort or repose of persons in any place of business or any dwelling, hotel or other type of residence, or of any persons in the immediate vicinity. The operation of any such device in a manner so as to be plainly audible on a property or in a dwelling unit other than that in which it is located or the operation of a car stereo so as to be plainly audible at a distance of 50 feet from the vehicle in which it is located shall be *prima facie* evidence of a violation of this section.
  - 3. Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
  - 4. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
  - 5. The keeping of any animal, bird or fowl [fowl] which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in any area where such barking can be clearly heard from nearby residential property.
  - 6. The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary

- grating, grinding, rattling or other unreasonable noise, including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification or elimination of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
7. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
  8. The discharging outside of any enclosed building of the exhaust or any steam engine, internal combustion engine, motor vehicle, or motor boat engine, except through a muffler or other similar device which will effectively prevent loud or explosive noises.
  9. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the Township, which permit shall limit the periods that the activity may continue.
  10. The creation of loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
  11. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
  12. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises easily heard from nearby adjoining residential property.
  13. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.
  14. The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township

where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 10:00 p.m. on any evening.

- B. *Exceptions.* None of the prohibitions hereinbefore enumerated shall apply to the following:
1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
  2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Vevay Township, or the County of Ingham between sundown and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
  3. Warning devices emitting sound for warning purposes as authorized by law.
  4. Noises created by agricultural operations, including animals, birds, etc. usually kept and used for agricultural purposes.
  5. Construction projects between the hours of 7:00 a.m. and 10:00 p.m.
  6. Railroad operation.
  7. Noises occurring between 7:00 a.m. and sundown caused by home or building repairs or from maintenance of residential grounds.
  8. Noises emanating from the discharge of firearms; provided, however, that the discharge of firearms is authorized under Michigan law and all local ordinances.

**140.004 Public nuisance regulations.**

Sec. 4. No person, firm or corporation shall create, cause or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors or glaring lights which are offensive or disturbing to adjacent property owners and residents or persons in the area.

**140.005 Validity.**

Sec. 5. The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provisions thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

**140.006 Penalties.**

Sec. 6. Any person, firm or corporation found violating the provisions of this Ordinance shall, upon conviction, be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment,

at the discretion of the court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

**140.007 Repeal.**

Sec. 7. Ordinance No. 40, the previous "Anti-Noise and Public Nuisance Ordinance," is hereby repealed.

**140.008 Effective date.**

Sec. 8. This Ordinance shall become effective 30 days from and after its adoption and publication as required by law.



Part 141

**141.000 JUNK, TRASH, RUBBISH, ABANDONED VEHICLES, WRECKED,  
DISMANTLED OR UNUSEFUL VEHICLES AND BUILDING  
MATERIALS**

**Ord. No. 51.01**

**Adopted: July 1, 2002**

An Ordinance to provide for the regulation and control of the storage, accumulation and disposition of junk, trash, rubbish, abandoned vehicles, wrecked, dismantled or unuseful vehicles and building materials; to provide for penalties of the violation hereof; to repeal Ordinance No. 51, and to provide an effective date hereof.

THE TOWNSHIP OF VEVAY, INGHAM COUNTY, MICHIGAN, ORDAINS:

**141.001 Intent of ordinance.**

Section 1. This Ordinance is intended to promote the public health, safety and general welfare; to provide penalties for maintaining public nuisances; to provide for the abatement of public nuisances by the Township, and the collection of costs thereof.

**141.002 Public nuisance defined and prohibited.**

Sec. 2. Public nuisance shall include, but not be limited to, whatever is forbidden by any provision of this Ordinance. No person shall commit, create or maintain any public nuisance.

**141.003 Nuisances per se.**

Sec. 3. It shall be unlawful, punishable and subject to the remedies provided herein, for any person, corporation, partnership, combination or association of persons to engage in conduct (including acts of both commission and omission), to act or maintain, create or accumulate the conditions prohibited herein. Except in areas zoned for and subject to the regulations pertaining to the activities described herein, no person within Vevay Township shall:

A. Store, maintain, or permit to remain outside of a completely enclosed building on any property owned or occupied by him, or throw, place, leave or permit the throwing, placing, or leaving on the premises of another, any refuse, trash, junk, or junk motor vehicles. "Junk motor vehicles" shall include any motor vehicles:

- (1) Which are not currently licensed for use upon the highways of this State;
- (2) Which do not display a current, valid license plate;
- (3) Which are for any reason disabled or not lawfully operable;

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- (4) Which have remained on the premises of another without the consent of the owner or occupant of the property or after the consent of the owner or occupant of the property has been revoked.

"Junk" as used herein shall include, but not be limited to, dismantled motor vehicles, parts of machinery or motor vehicles, unlicensed or inoperable trailers, unused stoves, refrigerators, water heaters, or other appliances, scrap metal, scrap building materials, garbage, trash or other cast-off material, organic refuse, food wastes, ashes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, shells, food containers or wrappings, cans, bottles, jars, crockery, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor covering, wallpapers, sweepings, waste paper, newspapers or magazines, excrement, rot, construction debris (including, but not limited to, lumber, bricks block, plumbing or heating materials, concrete, cement, electrical materials, or siding), rubbish, industrial waste, unclean or noxious fluids or gases.

This section shall not be deemed to apply to the outside storage of farm machinery or parts thereof in areas of the Township zoned for agricultural use, provided that the machinery is owned by the occupant of such premises for use on the owner's or occupant's properties, is not stored or maintained for purposes of salvage or resale, and is operable.

- B. Leave or keep in an area open and accessible to the public or children any abandoned, unattended, unused or discarded icebox, refrigerator, or any airtight container of any kind which has a snap latch or other locking device or the doors from such icebox, refrigerator or other such airtight container.
- C. Maintain, keep or permit a vacant, abandoned or unsafe building or structure on premises within the Township unless such building is locked and secured so as to prevent entrance by unauthorized persons and children.
- D. Keep or maintain a blighted structure. The term "blighted structure" as used herein shall include, without limitation, any dwelling, garage, factory, shop store, building, warehouse or any other structure or portion thereof which, due to partial demolition, fire, wind natural disaster or physical deterioration, is no longer safe or habitable as a dwelling or for the purpose for which it may have been intended.

**141.004 Penalties; appearance tickets.**

Sec. 4. Any person found to be in violation of this Ordinance wherein the condition has existed for more than 30 days shall be deemed responsible for a civil infraction and fined in an amount not to exceed \$500.00, plus such costs as the Court may deem appropriate. Charges may be issued upon complaints initiated by private citizens, provided that complete and sufficient direct or circumstantial



evidence of the violation is given to Township officials by said private citizen. In all enforcement actions for violation of this Ordinance citations, appearance tickets and/or Notice of Violation may be used whenever appropriate.

**141.005 Civil remedies.**

Sec. 5. In addition to the remedies provided herein, any violation of this Ordinance will be deemed a nuisance per se, and the Vevay Township Board of Trustees, its officers, agents or any private citizen may take such action in any Court of competent jurisdiction to cause the abatement and cessation of such nuisances, including injunctive relief.

**141.006 Abatement; costs; administrative fee; authority of officers.**

Sec. 6. In addition to the remedies provided herein, the Township Supervisor, Clerk, Building Inspector, Zoning Inspector, Code Enforcement Officer or the duly authorized representatives of such officials may take appropriate acts authorized by law to abate all nuisance conditions which violate this Ordinance. If the nuisance condition exists upon Township property or upon the property of another municipal corporation within the boundaries of the Township, the nuisance may be abated without notice.

Whenever a nuisance condition described above shall exist on private premises within the Township, the Township Supervisor or his agent shall give notice in writing by first class mail addressed to the owner or occupant of the property where the nuisance exists, or to the person(s) otherwise responsible to repair, tear down, abate or otherwise remove the nuisance condition within 30 days of the mailing of the notice, and shall further state that if the nuisance condition is not repaired, torn down, abated or otherwise removed, that the condition will be repaired, torn down, abated or otherwise removed by the Township Supervisor or his agent and the cost thereof charged as specified herein. If the actual owner or occupant of the premises is unknown or cannot be located, notice may be given by posting a copy of the notice upon a conspicuous part of the property where the nuisance is located, or by mailing a copy of the notice by certified first class mail addressed to the owner or party in interest at the address shown on the Township tax records at least ten days before further action by the Township will occur.

Actions by the Township to abate or remove the nuisance condition shall not excuse or relieve any person of the obligation imposed by the Ordinance to keep the property free from nuisance conditions or from penalties for violation hereof.

All expenses incurred by the Township in repairing, tearing down, securing, cleaning up, abating or otherwise removing a public nuisance under this Ordinance, in addition to any administrative fee, shall be charged to the person responsible therefore, the occupant of the land in question, or the person who appears as owner or party in interest upon the last local tax assessment records of the Township. An administrative fee may be authorized from time to time by

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Resolution of the Township Board of Trustees to reflect the administration costs and man hours incurred by Township officials, agents, and employees in investigating, prosecuting, and remedying violations of this Ordinance. If the person fails to pay the charges within 30 days after a statement is mailed to him or her, the amount of the Township's expense and administrative fee may be paid from the Township General Fund and the amount thereof shall be assessed against the land on which the expenditures were made on the next general 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 and administrative fee, and the lien shall be enforced in the manner prescribed by the general laws of the State providing for the enforcement of tax liens.

Express authority to enter upon lands and investigate, repair, tear down, abate or otherwise remove public nuisances is hereby conferred upon the Township Supervisor or his agent. If, after due notice is provided as specified above, the owner or occupant or other interested person fails to repair, tear down, abate or otherwise remove the public nuisance, the Township Supervisor is authorized to locate and repair, tear down, abate or otherwise remove the public nuisance and charge the costs therefore as specified herein.

**141.007 Severability.**

Sec. 7. If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid by any Court of competent jurisdiction or by any agency, department or commission empowered by State law for such purposes, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstances not affected thereby.

**141.008 Saving clause.**

Sec. 8. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced. This Ordinance shall not be construed to affect any prosecution pending or initiated after the effective date hereof to an offense committed before that effective date.

**141.009 Relation to other ordinances.**

Sec. 9. All other Ordinances inconsistent with the above are, to the extent of the inconsistency, hereby repealed. This Ordinance shall be deemed to be in addition to, and not in derogation of, any other Ordinances of Vevay Township pertaining to the same or similar matters.

**141.010 Effective date.**

Sec. 10. This Ordinance shall become effective thirty (30) days from and after its adoption and publication and recording as required by law.



Parts 142—159

**(Reserved)**

