

CHAPTER 5
NUISANCES AND BLIGHT

Article I – Dismantled Cars

SECTION 5.00 – DISMANTLED CARS

Regulations to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Rives, Jackson County, Michigan, for the regulation of the out-door parking and storage of motor vehicles, tractors, house trailers, and new or used parts or junk therefrom, within the Township of Rives; to provide penalties for violations and to repeal any ordinance or parts of ordinances in conflict herewith.
(Ord. No. 7 of 1967)

SECTION 5.01 - PURPOSE

The purpose of this Chapter is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, house trailers, or new or used parts thereof upon premises within the township; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.

SECTION 5.02 – REGULATIONS

(A) No person, firm, corporation, or organization shall park, store or place upon any public right-of-way or public property, or upon any private premises within the township, any motor vehicle, 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.

(1) Duly licensed and operable vehicles or trailers with substantially all main component parts attached.

(2) 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 which may remain upon such private property for not to exceed 30 days.

(3) Not more than one (1) vehicle in fully operating condition such as a stock car or modified car that has been redesigned or reconstructed for a purpose other than that which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side street yard area on premises.

(B) In the event the foregoing regulations create any special or peculiar hardships beyond the

control of a particular violator thereof because of unforeseen circumstances, the Building and 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 limited period of not to exceed thirty (30) days.

SECTION 5.03 – VIOLATIONS DECLARED NUISANCE

Any parking, storage, placement, or operation of vehicles in violation of the provisions of this Chapter are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

SECTION 5.04 – CONSTRUCTION

This Chapter shall not prevent the operation of any salvage yard, garage, body, or paint shop legally operating within a proper zone as defined in the Rives Township Zoning Ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

SECTION 5.05 - PUBLICATION AND EFFECTIVE DATE

The provisions of the Dismantled Car Ordinance were first made effective by adoption and publication of Ordinance No. 7 on July 22, 1967, and have been ever since as amended by Ordinance No. 35, adopted June 4, 2002 to provide for municipal civil infraction penalties.

Article II - Blight

SECTION 5.10 – AUTHORITY AND PURPOSE OF REGULATIONS

Regulations enacted pursuant to the authority of Act 246 of the Public Acts of 1945, as amended, to prevent, reduce and eliminate blight, blighting factors and nuisances and potential blight, blighting factors and nuisances in Rives Township; to preserve, promote and protect the health, safety and general welfare of the persons and property within the Township; to provide for the enforcement hereof; to provide penalties for the violation hereof; and to repeal all former Rives Township Anti-Blight Ordinances.

It is the purpose of blight provisions provided for in this Chapter to prevent, reduce and eliminate blight, blighting factors, and nuisances and the potential for blight, blighting factors, and nuisances in the Township by preventing or eliminating certain conditions and uses of land and buildings and structures in the Township which cause blight or nuisance.

(Ord. No. 14A of 2006)

SECTION 5.11 – BLIGHT PROHIBITED

All blight, blighting factors, nuisances and causes thereof as herein defined or as otherwise defined in P.A. 344 of 1945 are prohibited upon all property in the Township and shall constitute an illegal condition or use of such property and shall be abated. No owner, occupant or other person shall

permit any such use or condition to exist upon any property in the Township.

SECTION 5.12 – BLIGHT AND BLIGHTING FACTORS DEFINED

The following conditions and uses of land, building and structures are determined to be blight, blighting factors, or nuisances, or causes thereof, which will result in blighted and undesirable neighborhoods or which will result in public nuisances unless abated:

A. The keeping, maintaining, accumulation or storage of junk, trash or litter. For the purpose of this Section trash and/or litter is defined as including, but not limited to the following:

1. Building materials, unless there is in force a valid land use and building permit with respect to construction taking place upon the property, and the materials are intended for use in such construction. Building materials are defined as including, but not necessarily limited to lumber, bricks concrete or cinder blocks, plumbing pipe and material, electrical wiring equipment, heating ducts and equipment, shingles, mortar, concrete, cement, nails, screws, windows, glass and any other substance or materials used in the construction of buildings or structures.

2. Parts of machinery or automobiles

3. Remnants of wood, other than that which constitutes building material or is cut and stacked for heating use.

4. Unused, abandoned, or discarded stoves, refrigerators, televisions, and other appliances.

5. Old scrap material of every kind, such as, but not limited to copper, brass, rope, rags, batteries, paper, boxes, rubber, iron, steel, metal shavings, metal scrap or scrap metal in any other form.

6. Broken glass or any other dangerous pointed or edged substances.

7. Refuse, garbage, dead animals, waste or noxious materials.

B. The keeping of any abandoned, unattended, or discarded icebox, refrigerator or container of any kind and any size which is sufficient to permit the entrapment of a child therein.

C. Any well or cistern which is not sufficiently covered so as to prevent access thereto by any person or which is not fenced with a good and substantial fence of a height of not less than four (4) feet.

D. Any hole, excavation or partially constructed basement which is not sufficiently covered so as to prevent access thereto by any person or is not fenced with a good and substantial fence to height of not less than four (4) feet where the same is for the purpose of ongoing construction of a building or structure pursuant to valid land use and building permits and where more than sixty

(60) days has elapsed from the date of commencement of digging or excavation.

E. Any hole, shaft, pit, trench or other non-natural opening in the ground which is not filled in with dirt or sufficiently covered so as to prevent access thereto by any person or fenced with a good and substantial fence to a height of not less than four (4) feet and any such opening, even if fenced, which is allowed to accumulate stagnant or putrid water.

F. Any building or structure, or portion thereof, which is unoccupied and which is unguarded or open at any door or window or any other portal or opening permitting ingress, its windows to be glazed and locked or boarded up and its doors to be locked or boarded up to prevent ingress and all other portals to be boarded up to prevent ingress.

G. Any land, building or structure which has thereupon any obstruction or hindrance of any sort which would be reasonably expected to interfere with the efficiency and use of any fire, ambulance or police protection equipment, either upon or around that, or any other, land, building or structure.

H. Any dwelling which does not have adequate facilities for the disposal of human excreta or other sewage.

J. Any dwelling or portion thereof, which is conducive to the harboring or breeding of rats, rodents or vermin.

K. Any building or structure, or portion thereof, which by reason of structural damage caused by fire, explosion, wind, rain or other natural disaster or by reason of vandalism or other intentional damage, or by reason of neglect, lack of maintenance, obsolescence, physical deterioration, dilapidation and the like is no longer reasonably and safely useful for any other purpose for which it was originally intended.

L. Any building or structure, or any portion thereof, which is partially completed, unless it is in the process of construction and/or completion pursuant to valid land use and building permits.

M. Any building or structure, or any portion thereof, which constitutes a fire hazard or is dangerous to human life for any other reason not specifically listed herein.

N. Any building or structure, or any portion thereof, which due to any one or more, of the aforesaid conditions cannot be repaired, rehabilitated or completed, so as to abate its violation of this Chapter, at a cost less than its State Equalized Value.

O. Any obscene materials described as a public nuisance in Section 5.21 of this Chapter.
(Ord. No. 14A, effective 8-31-06)

SECTION 5.13 – ENFORCEMENT OFFICER

The Rives Township Zoning Inspector, an enforcement officer designated by the Board, and the Rives Township Board are charged with the enforcement of this Chapter.

Article III – Nuisance

SECTION 5.20 – PUBLIC NUISANCE

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 which are offensive or disturbing to adjacent property owners and residents or persons in the area.
(Ord. No. 21 of 2001, Effective 10-10-01)

SECTION 5.21 – OBSCENE MATERIALS AS PUBLIC NUISANCE

A. Definitions. For the purpose of this section, a writing, picture, photograph, statue or painting is obscene material if:

- 1.** It contains a patently offensive representation or description of an ultimate sexual act, normal or perverted, actual or simulated;
- 2.** It contains a patently offensive representation or description of masturbation, excretory functions and lewd exhibition of the genitals;
- 3.** The material as displayed, when taken as a whole, lacks serious literary, artistic, political and scientific value; and
- 4.** The average person applying contemporary community standards would find the displayed material, as a whole, appealing to the prurient interest.

(Ord. No. 21 of 2001, Effective 10-10-01)

B. Public nuisance. The display of any obscene material as defined in subsection A of this section, in any manner which is visible by the public from the public right-of-way, is hereby found to constitute a public nuisance inimical to the health, safety and welfare of the citizens of the Township of Rives.

(Ord. No. 14A, adopted 7-10-06)

Article IV - Noise

SECTION 5.30 – NOISE REGULATIONS

Regulations to secure the public health, safety, and welfare of the residents and property owners of Rives Township by regulation of noise within said Township and to prescribe penalties for violations.

A. General regulation - no person, firm or corporation shall cause or create, assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing, unusual or unnecessary noise or disturbance that annoys, disturbs, injures or endangers the health, peace, comfort, repose, quiet, or safety of the residents and property owners of the township.

B. Specific violations - the following noises and disturbances are hereby declared to be a violation of this ordinance; provided however, that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:

1. The playing of any electronic or mechanical, audio/visual device or equipment, including any musical instrument in such a manner or with such volume as to upset or disturb the quiet, comfort or repose of other persons.
2. Yelling, shouting, hooting or singing at any time or place as to upset or disturb the quiet comfort or repose of any persons in the vicinity.
3. The emission or creation of any excessive or unreasonable noise which interferes with the operation of any school, medical facility, place of worship or governmental meeting.
4. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which disturbs the quiet, comfort or repose of any person in the vicinity; such as the allowing or permitting of any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
5. The operation of any automobile, motor-driven cycle, or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling or other noise including the noise and exhaust which is clearly audible from nearby properties and disturbing to the quiet, comfort or repose of other persons. The modification 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 is increase above that emitted by such vehicle as originally manufactured shall be a violation of this section.
6. The sounding of any horn or other devices on any motor vehicle unless necessary to operate said vehicle safely as required by the Michigan Motor Vehicle Code.
7. The discharging outside of any enclosed building the exhaust of any steam or internal combustion engine, motor vehicle, or motor boat engine except through a muffler or similar devise which will effectively prevent loud or explosive noises.
8. The erection, demolition, excavation, alteration or repair of any structure, 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 that annoys or disturbs other persons, except other than between the hours of 7:00 a.m. and sundown on any day and except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the building inspector or zoning administrator of the township, which permit shall limit the periods that the activity may continue.
9. The creation of a loud or excessive noise that is 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.
10. the use of any drum, loudspeaker, instrument or other sound amplifying device for the purpose of attracting attention to any performance, show, display, sale or other commercial

purpose and which annoys or disturbs the quiet, peace, or repose of any person in the vicinity.

11. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets or roads of the township for the purpose of commercial advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises easily heard from nearby adjoining residential property.
12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise and which is disturbing to the quiet, comfort or repose of any person.

C. Exceptions - none of the prohibitions hereinbefore enumerated shall apply to the following:

1. Any police vehicle, fire apparatus, or emergency medical response 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, Rives Township, or the County of Jackson, 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. Farming activities as covered by the "Michigan Right to Farm Act," Act 93 of 1981, Chapter 286, Section 474 of the Michigan Compiled Laws.

(Ord. No. 21 of 2001, Adopted 9-04-01)

SECTION 5.40 - PENALTY FOR VIOLATION

A person who violates any provision of this Chapter is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than one hundred (\$100.00) dollars and not more than five hundred (\$500.00) dollars, plus costs, attorney fees and other sanctions as permitted under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL 600.8701 et.seq., as amended. The authorized local official is hereby authorized to issue and process municipal civil infraction citations in accordance with the Rives Township Municipal Civil Infractions Ordinance and as otherwise permitted by law. If a person is found responsible for a municipal civil infraction under this Chapter, a civil fine shall be assessed as follows:

1st offense - Minimum fine of one hundred (\$100.00) dollars and maximum of five hundred (\$500.00) dollars, plus costs;

1st repeat offense - Minimum fine of two hundred (\$200.00) dollars and maximum of five hundred (\$500.00) dollars, plus costs;

2nd repeat offense - Minimum fine of three hundred (\$300.00) dollars and maximum of five hundred (\$500.00) dollars, plus costs.

For the purpose of this section, a “repeat offense” means a second or subsequent violation of the same requirement or provision of this Chapter. Nothing in this section shall be interpreted as abrogating the Township’s right to proceed with an appropriate equitable action in the Jackson County Circuit Court to enjoin and/or abate any violation of the terms of this Ordinance. Each day that a violation is permitted to continue shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Chapter.

SECTION 5.41 – SEVERABILITY

If any section, subsection, subparagraph, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5.42 – ADOPTION HISTORY

Ordinance No. 21 of 2001, the Rives Township Anti-Noise and Public Nuisance Ordinance was first adopted on September 4, 2001, and amended to add municipal civil infraction penalties by Ordinance No. 33 of 2002. Ordinance No. 21 of 2001, the Rives Township Anti-Blight and Anti-Nuisance Ordinance was first adopted on March 7, 1991, and repealed and replaced by Ordinance No. 14A, the Rives Township Anti-Blight and Anti-Nuisance Ordinance adopted on July 10, 2006. Ordinance 7 of 1967, the Rives Township Dismantled Car Ordinance was first made effective on July 22, 1967, and amended by Ordinance No. 35 of 2002, adopted June 4, 2002, to add municipal civil infraction penalties.