

**EVELINE TOWNSHIP
NUISANCE ORDINANCE**

Ordinance No. 0112 of 2010

THE TOWNSHIP OF EVELINE ORDAINS:

Section 1 – Definitions:

As used in this Ordinance the following terms shall have the meanings prescribed in this section.

- A. **“Building materials”** includes but is not limited to lumber, bricks, concrete, or cinder blocks, plumbing or heating materials, electrical wiring, or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in construction of any structure.
- B. **“Garbage”** means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that related to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.
- C. **“Junk”** – The term shall include, but is not limited to used or salvaged metals and their compounds or combination, used or salvaged rope, rubber, tires, car parts or plastics.
- D. **“Liquid industrial wastes”** means any liquid brine, by-product, industrial wastewater, leachate, off-specification commercial product, sludge, grease-trap clean-out residue, used oil, or other liquid waste produced by, incident to or resulting from industrial or commercial activity except any liquid brine normally used in oil or gas extraction on a site permitted by the Michigan Department of Environmental Quality.
- E. **“Rubbish”** means solid wastes including ashes consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, bags, rags, electronics, batteries, household appliances, furniture and demolished materials.
- F. **“Person”** means any individual, firm, corporation, association, partnership, or limited liability company.
- G. **“Sealed container”** means a covered, closable container which is rodent-proof, fly-proof, and watertight such as garbage cans with properly fitting tops.
- H. **“Totally closed structure”** means a building capable of being sealed on all sides such as a house, garage, or storage shed with a roof, floor, and walls or closable doors around its perimeter.

Section 2 – Nuisances

The following are hereby declared to be nuisances:

- A. The keeping or storage of building materials outside on private property unless there is in force a valid building permit from the Charlevoix County Building Department for construction on that property and the building materials are for use in such construction

except in those districts zoned Farm-Forest (FF) and Farm-Forest 2 (FF-2) under the Township Zoning Ordinance.

- B. The keeping or storage of ashes, junk, garbage or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for that purpose except for the composting of organic material by a person for use on property owned or occupied by that person.
- C. The keeping or storage of junk, garbage or rubbish on private property, including inside a building, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source, or habitation of insects, rodents, or vermin.
- D. Intentional depositing of liquid petroleum crude oil, liquid petroleum crude oil by-products and derivatives, or liquid industrial wastes on the ground.
- E. The existence of any structure or damaged partial structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling, nor currently useful for any other purposes for which it may have been intended.

Section 3 – Prohibition

No person shall commit, create, or maintain any nuisance. No person shall knowingly permit the existence of a nuisance on the property owned or possessed by such person. Each day a nuisance shall exist shall be construed as a separate violation.

Section 4 – Industrial Usage

The storage or keeping of salvageable metal or wood shall not be prohibited on property on which is located a factory engaged in manufacturing, assembling or machining as long as the salvageable metal or wood is for resale or reuse by the occupant of the property.

Section 5 – Farming Operations

Pursuant to Act 93 of 1981, as amended, a farm operation shall not be found to be a nuisance if the farm or farm operation conforms to generally accepted agricultural and management practices according to policy as determined by the State Agriculture Commission.

Section 6 – Penalty/Municipal Civil Infraction

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 7 – Enforcement

The Township Zoning Administrator is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 8 – Abatement by Township

If the owner or possessor of any property on which a nuisance exists fails to eliminate a nuisance after having received Notice from the Township of the existence of the nuisance, the Township Zoning Administrator, after receiving authorization by the Township Board, shall take such steps as are necessary to abate or eliminate the nuisance. The Notice shall describe the location of the property, describe the nature of the nuisance and give an appropriate length of time to eliminate the nuisance without intervention by the Township. The written Notice may be served personally or may be sent by first-class mail to the last known address of the owner or occupier of the premises. The time period shall commence on the date of the personal service or in the case of mailing service shall be deemed to have taken place on the date of mailing.

The cost of elimination of the nuisance by the Township, including reasonable attorney fees, may be collected in a lawsuit against the owner and/or possessor of the property on which the nuisance existed and/or against the person who committed, created, or maintained the nuisance.

Section 9 – Severability

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portion or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 10 – Separate Court Action

Nothing in this Ordinance shall prohibit the Township or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance. A violation of this Ordinance is deemed to be a nuisance per se.

Section 11 – Repealer

The previous Eveline Township Nuisance Ordinance enacted by the township board on October 8, 1996 is hereby repealed in its entirety.

Section 12 – Effective Date

This Ordinance shall become effective thirty (30) days after its first publication.

TOWNSHIP OF EVELINE

By: 
John Vrondran, Supervisor

By: 
Michelle Johnson, Clerk

ORDINANCE CERTIFICATION

At a regular meeting of the Eveline Township Board, Charlevoix County, held in the Eveline Township Hall, located at 08525 Ferry Road, East Jordan, Michigan 49727, on 1/12, 2010, at 7:00P.M.

PRESENT: Chapman, Vron dran, BaiKO, Beishlag, Johnson
ABSENT: None

It was moved by Beishlag and supported by BaiKO that the following Ordinance be adopted:

(See attached EVELINE TOWNSHIP ORDINANCE)

YES: Chapman, Vron dran, BaiKO, Beishlag, Johnson
NO: None

**ORDINANCE DECLARED ADOPTED.
EVELINE TOWNSHIP**

By: John Vron dran
John Vron dran, Supervisor

I, the undersigned, the Clerk of the Township of Eveline, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Eveline Township Board of said County at its regular meeting held on 1/12, 2010, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in Petoskey News Review on January 19, 2010 and was filed with the County Clerk on 1/20, 2010.

Dated: 1/21/10

Michelle Johnson
Michelle Johnson, Clerk

Note: The Ordinance and this Ordinance Certification should be filed with the County Clerk within one (1) week of publication and the Ordinance should be placed in the Township Ordinance Book.