

Chapter 22

NUISANCES*

* **Cross References:** Buildings and building regulations, ch. 10; nuisances and health hazards for swimming pools, § 10-183.
State Law References: Nuisance abatement, MCL 600.2940.

Article I. In General

Sec. 22-1. Dust, smoke, fly ash or noxious odors.
Secs. 22-2--22-30. Reserved.

Article II. Litter and Debris

Sec. 22-31. Prohibited conditions; determination of violation.
Sec. 22-32. Storage of garbage, rubbish and other waste.
Sec. 22-33. Junked, nonoperating or unused vehicles.
Sec. 22-34. Abatement by township.
Secs. 22-35--22-60. Reserved.

Article III. Weeds

Sec. 22-61. Certain weeds declared nuisance.
Sec. 22-62. Cutting required.
Sec. 22-63. Cutting by township.

ARTICLE I.

IN GENERAL

Sec. 22-1. Dust, smoke, fly ash or noxious odors.

(a) *Prohibited.* No person shall create, cause or maintain any public nuisance within the township by the unreasonable creation of dust, smoke, fly ash or noxious odors offensive or disturbing to adjacent property owners and residents in the area.

(b) *Determination of violation; appeals.* The determination of whether any activity enumerated in subsection (a) of this section is a public nuisance and a violation of this section shall be in the absolute discretion of the superintendent of the township or his agent, subject only to review by the township board, upon proper application therefor made by the alleged violator, within seven days after such determination by the superintendent or his agent. In the case of an appeal, the township board shall conduct a hearing at its next regular meeting.

(Ord. No. 9, § 3.01)

State Law References: Public nuisances, MCL 600.3801 et seq.

Secs. 22-2--22-30. Reserved.

ARTICLE II.

LITTER AND DEBRIS

Sec. 22-31. Prohibited conditions; determination of violation.

No person shall permit any junk, debris, waste material, combustible material, or other miscellaneous unused, unsanitary or dangerous material or equipment, or other source of filth or cause of sickness or unsightliness, to accumulate in, on, or adjoining the property owned or occupied by such person. The determination of whether this section has been violated may be made by the township superintendent or any full-time member of the township police department or the building official, and such determination shall be based upon the following standards:

- (1) The zoning classification in which such property is located under the provisions of the zoning ordinance (chapter 46), with residential classifications permitting less such accumulations than commercial or industrial classifications.
- (2) The density of population or building structures in the area adjoining such property, with the restrictions against such accumulations becoming more strict as the population or building structures become more dense.
- (3) The existence of disease, rodents, or other evidence of unsanitary conditions or causes of sickness connected therewith.
- (4) The likelihood of such accumulation creating an attractive nuisance or the likelihood that rodents or other undesirable animals may be attracted to such accumulation.
- (5) That the litter and/or debris is offensive to the reasonable sensibilities of abutting or adjacent property owners, and that the litter and/or debris has generated or may generate complaints emanating from the neighborhood.

(Ord. No. 39, § 2.01(1))

State Law References: Littering, MCL 324.8901 et seq.

Sec. 22-32. Storage of garbage, rubbish and other waste.

The owner or occupant of every dwelling or other building located within the township shall provide the dwelling or other building with proper and appropriate covered receptacles of nonabsorbent material for holding garbage, refuse, ashes, rubbish, or other waste material, commensurate with the use being made of such holding. Such receptacles shall further be kept clean and sanitary at all times and shall be regularly and frequently emptied, either by a rubbish and garbage collection agency recognized and approved by the township board, or by the occupant or the owner of the premises, in properly designated areas off the premises. Such receptacles shall further be used by the occupants of the premises for all such garbage, refuse, ashes, rubbish, and other waste material not otherwise disposed of off the premises in properly designated areas.

All rubbish and garbage receptacles shall not be placed out for pick-up any sooner than 5:00 p.m. the evening before the scheduled day of collection and removed no later than 9:00 p.m. the day of collection.

Empty receptacles shall be removed from the road edge and front yard area and stored behind the front structure line of the property.

Empty receptacles shall be stored in a neat and orderly fashion having proper lids affixed or closed and receptacle in its upright position.

(Ord. No. 39, § 2.01(2); Ord. of 2-16-2004)

State Law References: Solid waste management, MCL 324.11501 et seq.

Sec. 22-33. Junked, nonoperating or unused vehicles.

(a) No person shall park or store on premises primarily used or zoned for residential purposes within the township any motor vehicle which is not in operating condition and which cannot be propelled under its own power for more than 14 days in any one year, unless the vehicle is located within an enclosed building, or unless a special permit therefor is first obtained from the superintendent or clerk of the township or such other officer as the township board may designate, to be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of this article are still observed.

(b) No person shall park or store upon premises primarily used or zoned for residential purposes within the township more than one motor vehicle in operating condition which is not regularly used for the purpose for which it was manufactured or designed unless the vehicle is located within an enclosed building or unless a special permit is first obtained therefor from the superintendent or clerk of the township or such other officer as the township board may designate, to be granted only in special hardship cases beyond the control of the applicant, where special peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of this article are still observed.

(c) Any motor vehicle being dismantled for the sale of parts therefrom or any motor vehicle which has main component parts missing or unattached shall be deemed inoperable for the purposes of this section. This subsection is not to be construed to be inclusive of all inoperable vehicles covered by this section, but merely descriptive of a particular class of such vehicles.

(d) The purpose of this section is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars or vehicles, unused cars or vehicles, and dilapidated nonoperating motor vehicles upon premises used or zoned for residential purposes, to thereby avoid injury and hazards to children attracted to such vehicles and the psychological ill effect the presence of such vehicles may have upon adjoining residents and property owners.

(Ord. No. 39, § 2.01(3)--(6))

Cross References: Traffic and vehicles, ch. 38.

State Law References: Abandoned vehicles, MCL 257.252a et seq.

Sec. 22-34. Abatement by township.

(a) If any person refuses or neglects to comply with an order of the township board, township superintendent or township building and zoning official issued under this article, the township board may cause the nuisance, source of filth, cause of sickness, or unreasonable accumulation to be removed from the premises, impounded, destroyed, and/or sold, and the cost thereof assessed against the owner or occupant of the premises on which such nuisance, source of filth, cause of sickness, or unreasonable accumulation is located. If the owner or occupant of such premises shall refuse, upon demand, to pay such expenses so incurred, such sums shall be assessed against the real estate involved and shall be collected and treated in the same manner as are taxes assessed under the general laws of the state.

(b) In the event of a sale of any such material or equipment by the township, the proceeds from such sale shall be first used to reimburse the township for the costs incurred therein, and the balance, if any, shall be returned to the owner or occupant of the real estate involved, as the case may be.

(Ord. No. 39, § 3.02(2), (3))

State Law References: Nuisance abatement, MCL 600.2940.

Secs. 22-35--22-60. Reserved.

ARTICLE III.

WEEDS*

* **State Law References:** Weeds generally, MCL 257.61 et seq.

Sec. 22-61. Certain weeds declared nuisance.



Ragweed, milkweed, bitterdock, burdock, thistles, golden rod and all other noxious weeds are hereby determined and declared to be dangerous, unhealthy, tending to cause and promote disease, and a nuisance.

(Ord. No. 69, § 2.01)

Sec. 22-62. Cutting required.

It shall be unlawful for the owner or occupant of any platted lands within the township to permit any of the weeds, grass or other plants mentioned in section 22-61 to grow upon any lands owned or occupied by him to a height exceeding six inches, and it shall be the duty of all such persons to cut down such weeds or plants when the weeds or plants reach a height of six inches.

(Ord. No. 69, § 2.02)

Sec. 22-63. Cutting by township.

(a) The township, through its employees, may enter upon the lands of any person who has failed to comply with the provisions of this article, and may cause such weeds or grass to be cut down, and may levy the cost of such work as a special assessment against the lands and premises upon which such weeds were growing, to be added to the next township tax roll and collected with other township taxes.

(b) The township may, in addition to all other remedies provided by ordinances, bring suit against and recover from such owner and occupant, or either of them, in an appropriate action at law, as expressly provided by statute, the full cost of cutting down or causing to be cut down any and all such weeds as the township may cut down or cause to be cut down under the provisions of this article.

(Ord. No. 69, § 2.03)

ARTIVCLE III.

WEEDS*

- State Law References: Weeds General, MCL.257.61 et seq.

SEC. 22-61. Certain weeds declared nuisance.

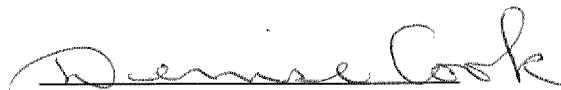
Ragweed, bitter dock, burdock, thistles, golden rod, poison Ivy, Japanese knotweed, and all other weeds are hereby determined and declared to be dangerous, unhealthy, tendering to cause and promote disease, and a nuisance. (Ord. No. 69, & 2.01)

Amended August 1, 2016

ORDINANCE DECLARED ADOPTED ON ROLL CALL VOTE.

Roll Call Vote:	Yeas	Nay	Abstain	Absent
Roger Seely	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
David Vonk	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Denise Cook	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Charles Garlanger	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Melissa Hahn	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Gary Bluschke	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Ronald Griffin	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

Dated: 8/1/16

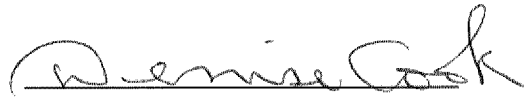


Denise Cook, Township Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of St. Joseph Charter Township at a regular meeting held on August 1, 2016 and that a public notice of said meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan 1976, as amended. Said resolution was ordered to take immediate effect.

Dated: 8/1/16

A handwritten signature in cursive script that reads "Denise Cook". The signature is written in black ink and is positioned above a horizontal line.

Denise Cook, Township Clerk

AFFP
ST. JOSEPH CHARTER TOWNSHIP

RECEIVED
JUL 15 2016
ST. JOSEPH CHARTER TOWNSHIP

Affidavit of Publication

STATE OF MICHIGAN }
COUNTY OF BERRIEN } SS

ST. JOSEPH CHARTER TOWNSHIP
BERRIEN COUNTY, MICHIGAN

ORDINANCE TO AMEND NUISANCE WEED ORDINANCE

Jennifer Flewellen, being duly sworn, says:

That she is Classified Manager of the Herald Palladium, a Daily newspaper of general circulation, printed and published in St Joseph, Berrien County, Michigan; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

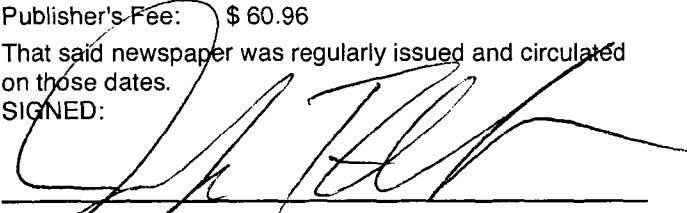
At the July 5, 2016, St. Joseph Charter Township Board of Trustees meeting, an ordinance was introduced to amend the St. Joseph Charter Township Nuisance Weed Ordinance Sec. 22-61, Ord. No. 69, & 2.01; specifically to remove milkweed from the list of nuisance weeds and to include poison ivy and Japanese knotweed as a nuisance weed. A copy of the introduced ordinance amendment has been posted in the lobby at the Township Hall, 3000 Washington Ave., St. Joseph, MI 49085 and on the Township website www.sjct.org.

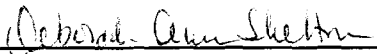
July 09, 2016

Publisher's Fee: \$ 60.96

That said newspaper was regularly issued and circulated on those dates.

SIGNED:


Subscribed to and sworn to me this 9th day of July 2016.


Deborah Ann Shelton, Notary Public 8/1/2020

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