

CURRENT OFFICIALS
OF
ST. JOSEPH CHARTER TOWNSHIP, MICHIGAN

Roger Seely
Supervisor

Dave Vonk
~~Charles Garlanger~~
Ron Griffin
~~Gary Bluschke~~
Melissa ~~Schultz-Hahn~~
Thomas Milnikel
Edward Meny

Township Board

~~Tim Fenderbosch~~ Denise Cook
Township Manager

~~David Peterson~~ Sara Senica
Township Attorney

~~Denise Cook~~ Patrice Rose
Township Clerk

Chapter 1: General Provisions

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Section 1-1. Designation and citation of Code.

The ordinances embraced in this and the following chapters shall constitute and be designated the "Code of Ordinances, St. Joseph Charter Township, Michigan," and may be so cited. Such ordinances may also be cited as the "St. Joseph Charter Township Code."

State Law References: Authority to codify ordinances, MCL 42.1, 42.20, 41.186.

Section 1-2. Definitions and rules of construction.

The following definitions and rules of construction shall apply to this Code and to all ordinances and resolutions unless the context requires otherwise:

Generally. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the township board may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

Code. The term "Code" means the Code of Ordinances, St. Joseph Charter Township, Michigan, as designated in section 1-1.

Computation of time. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period or a fixed or final day is a Saturday, Sunday, or legal holiday, the period or day is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either. . . or," the conjunction shall be interpreted as follows:

- (A) "And" indicates that all the connected terms, conditions, provisions or events apply.
- (B) "Or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
- (C) "Either . . . or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

County. The term "county" means Berrien County, Michigan.

Delegation of authority. A provision that authorizes or requires a township officer or township employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

Gender. Words of one gender include all other genders.

Includes, including. The terms "includes" and "including" are terms of enlargement and not of limitation or exclusive enumeration, and the use of the terms does not create a presumption that components not expressed are excluded.

Joint authority. A grant of authority to three or more persons as a public body confers the authority on a majority of the number of members as fixed by statute or ordinance.

May. The term "may" is to be construed as being permissive and not mandatory.

May not. The term "may not" states a prohibition.

Month. The term "month" means a calendar month.

Number. The singular includes the plural and the plural includes the singular.

Oath, affirmation, sworn, affirmed. The term "oath" includes an affirmation in all cases where an affirmation may be substituted for an oath. In similar cases, the term "sworn" includes the term "affirmed."

Officers, departments, etc. References to officers, departments, boards, commissions or employees are to township officers, township departments, township boards, township commissions and township employees.

Owner. The term "owner," as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property. With respect to special assessments, however, the owner shall be considered to be the person who appears on the assessment roll for the purpose of giving notice and billing.

Person. The term "person" means any individual, firm, partnership, corporation, association, club, joint venture, estate, trust, or governmental unit, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

Personal property. The term "personal property" means any property other than real property.

Premises. The term "premises," as applied to real property, includes land and structures.

Property. The term "property" means real and personal property.

Public acts. References to public acts are references to the Public Acts of Michigan. (For example, a reference to Public Act No. 246 of 1945 is a reference to Act No. 246 of the Public Acts of Michigan of 1945.) Any reference to a public act, whether by act number or by short title, is a reference to such act as amended.

Real property, real estate, land, lands. The term "real property" includes lands, tenements and hereditaments.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" means any portion of the street between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

Signature, subscription. The terms "signature" and "subscription" include a mark when the person cannot write.

State. The term "state" means the State of Michigan.

Street, highway, alley. The term "street" or "highway" means the entire width subject to an easement for a public right-of-way or owned in fee by the township, county or state, or every way or place, of whatever nature, whenever any part thereof is open to the use of the public as a matter of right for purposes of public travel. The term "alley" means any such way or place providing a secondary means of ingress and egress to and from property.

Swear. The term "swear" includes affirm.

Tenses. The present tense includes the past and future tenses. The future tense includes the present tense.

Township. The term "township" means the Charter Township of St. Joseph, Michigan, or St. Joseph Charter Township, Michigan.

Township board. The term "township board" means the township board of the Charter Township of St. Joseph, Michigan.

Week. The term "week" means seven consecutive days.

Written. The term "written" includes any representation of words, letters, symbols or figures.

Year. The term "year" means 12 consecutive months.

State Law References: Definitions and rules of construction applicable to state statutes, MCL 8.3 et seq.

Section 1-3. Catchlines of sections; history notes; references.

- (A) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

- (B) The history or source notes appearing in parentheses after sections in this Code have no legal effect and only indicate legislative history. Editor's notes, cross references and state law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.
- (C) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

State Law References: Catchlines in state statutes, MCL 8.4b.

Section 1-4. Effect of repeal or amendment of ordinances.

- (A) Unless specifically provided otherwise, the repeal of a repealing ordinance does not revive any repealed ordinance.
- (B) The repeal or amendment of an ordinance does not affect any punishment or penalty incurred before the repeal took effect, nor does such repeal or amendment affect any suit, prosecution or proceeding pending at the time of the amendment or repeal.

State Law References: Effect of repeal of state statutes, MCL 8.4 et seq.

Section 1-5. Amendments to Code; amendatory language.

- (A) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code.
- (B) Amendments to provisions of this Code may be made with the following language: "Section _____(chapter, article, division or subdivision, as appropriate) of the St. Joseph Charter Township Code is hereby amended to read as follows:..."
- (C) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section _____(chapter, article, division or subdivision, as appropriate) of the St. Joseph Charter Township Code is hereby created to read as follows:..."
- (D) All provisions desired to be repealed should be repealed specifically by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

State Law References: Ordinance adoption procedures, MCL 42.20, 46.22.

Section 1-6. Supplementation of Code.

- (A) Supplements to this Code shall be prepared and printed whenever authorized or directed by the township. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (B) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (C) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts or ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:
 - (1) Arrange the material into appropriate organizational units.

- (2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.
- (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.
- (4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.
- (5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections _____ to _____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).
- (6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

Section 1-7. General penalty; continuing violations.

- (A) In this section, the term "violation of this Code" means any of the following:
 - (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- (B) In this section, the term "violation of this Code" does not include the failure of a township officer or township employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.
- (C) A violation of this Code shall be a misdemeanor punishable by a fine not to exceed \$500.00, and costs of prosecution or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment **except as amended and listed in Sec. 1-7 (3g)** provided, that:
 - (1) A violation of this Code is punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, and costs of prosecution, or any combination thereof, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days.
 - (2) Subject to the limitations on penalties for violations of charter township ordinance imposed by law, a violation of this Code that substantially corresponds to a violation of a state law shall be punished by the same fine and imprisonment that may be imposed for violation of such state law.
- (D) Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. As to other violations, each violation constitutes a separate offense
- (E) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.
- (F) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief the imposition of a penalty does not prevent injunctive relief or civil or quasijudicial enforcement.
- (G) *Municipal civil infractions.* The following sections of the St. Joseph Charter Township Code are hereby amended to be municipal civil infractions pursuant to MCL 600.8701, et seq:
 - (1) Chapter 6, Article II, Section 6-35. (Animal Running at Large).

- (2) Chapter 6, Article II, Section 6-37. (Barking Dogs).
- (3) Chapter 10, Article III, Div. 3, Section 10-104 (Fence Maintenance).
- (4) Chapter 10, Article V, Section 10-182. (Swimming Pool Enclosure).
- (5) Chapter 22, Article II, Section 22-31. (Litter & Debris).
- (6) Chapter 22, Article II, Section 22-32. (Storage of Garbage).
- (7) Chapter 22, Article II, Section 22-33. (Non Operable Vehicles).
- (8) Chapter 22, Article III, Section 22-62. (Cutting Nuisance Weeds).
- (9) Chapter 26, Article II, Div.2, Section 26-54. (Trespassing).
- (10) Chapter 26, Article IV, Div. 2, Section 26-152. (Unnecessary Noise).
- (11) Chapter 26, Article IV, Div. 2, Section 26-153. (Specific Noise Prohibited).

State Law References: Penalty for ordinance violations, MCL 42.21.

(Ord. 4-21-2008)

Section 1-8. Severability.

If any provision of this Code or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Code that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Code are severable.

State Law References: Severability of state statutes, MCL 8.5.

Section 1-9. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the township relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

State Law References: Similar provisions as to state statutes, MCL 8.3u.

Section 1-10. Code does not affect prior offenses or rights.

- (A) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.
- (B) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any township ordinance on the effective date of this Code.

Section 1-11. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code affects the validity of any of the following ordinances or portions of ordinances, and such ordinances or portions of ordinances continue in full force and effect to the same extent as if published at length in this Code:

- (1) Annexing property into the township or describing the corporate limits.
- (2) Deannexing property or excluding property from the township.
- (3) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (4) Authorizing or approving any contract, deed, or agreement.

- (5) Making or approving any appropriation or budget.
- (6) Providing for salaries or other employee benefits, not codified in this Code.
- (7) Granting any right or franchise.
- (8) Adopting or amending the comprehensive plan.
- (9) Levying or imposing any special assessment.
- (10) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street, sidewalk or alley.
- (11) Establishing the grade of any street or sidewalk.
- (12) Dedicating, accepting or vacating any plat or subdivision.
- (13) Levying, imposing or otherwise relating to taxes.
- (14) Granting a tax exemption for specific property.
- (15) Rezoning property or amending the zoning map.
- (16) That is temporary, although general in effect.
- (17) That is special, although permanent in effect.
- (18) The purpose of which has been accomplished.

Chapter 6: Animals

***Cross References:** Permitting motor vehicle or animal to be used in violation of division, 26-56.

State Law References: Authority to adopt ordinances for public health and safety, MCL 42.14, 42.1, 41.181; local animal control ordinances, MCL 287.290; Dog Law of 1919, MCL 287.261 et seq.; crimes relating to animals, MCL 750.49 et seq.; dangerous animals, MCL 287.321 et seq.; right to take guide dogs in public places, MCL 750.202c.

Article I. In General

Sec. 6-1. Definitions.

Secs. 6-2--6-30. Reserved.

Article II. Keeping Requirements

Sec. 6-31. Seizure of animals.

Sec. 6-32. Housing of animals.

Sec. 6-33. Removal of manure and refuse.

Sec. 6-34. Maximum number of animals.

Sec. 6-35. Running at large.

Sec. 6-36. Dangerous, **exotic, circus, zoo** animals.

Sec. 6-37. Barking dogs.

Sec. 6-38. Permit for keeping **horses livestock animals**.

Article I. In General

Section 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animals unless otherwise stated, animals means birds, fowl, fish, mammals (excluding humans) and reptiles.

Domestic Animals means any animal which has been or is being sufficiently tamed to serve humans.

Exotic, Circus and Zoo Animals means animals including wolf-dog hybrids, lions, tigers, cougars, cheetahs, leopards, jaguars, panthers, bears or any animal that is not domestic to North America.

Fence means a structure erected to serve as pasture enclosure consisting of rails, planks, or wire mesh.

Livestock means animals used for human food and fiber or animals used for service to human beings. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, being raised in captivity. Livestock does not include animals that are human companions, such as dogs and cats.

Stable means a barn, shed, or structure used for the boarding and/or housing of horses.

(Ord. No. 6, 2.01 revision date)

Cross References: Definitions generally, 1-2.

Section Secs. 6-2--6-30. Reserved

Article II. Keeping Requirements

Section 6-31. Seizure of animals.

Any animal ~~or fowl~~ kept or housed or permitted to run at large in violation of this chapter shall be deemed to be a public nuisance and may be seized by any police officer, health officer, or animal control officer.

(Ord. No. 6, 3.06 revision date)

Section 6-32. Housing of animals.

- (A) All animals ~~or fowl~~ shall be kept and housed in a clean and sanitary manner, free from all rodents and vermin. All manure, refuse or other litter resulting from their keeping or housing shall be disposed of in such a manner as to prevent any nuisance or unsanitary, odorous, or offensive conditions.
- (B) Persons to whom permits have been issued under this chapter shall be responsible for keeping the stable and grazing area clean. The area shall not be allowed to become overgrazed or barren of grass.
- (C) No animal ~~or fowl~~ shall be housed or enclosed in a front yard.

(Ord. No. 6, 3.03 revision date)

Section 6-33. Removal of manure and refuse.

Throughout the year, all manure, refuse or other litter resulting from the keeping of horses or ponies, or any other animal ~~or fowl~~, shall be removed in such a manner and with such frequency as to prevent any nuisance or unsanitary, odorous or offensive condition.

(Ord. No. 6, 3.04 revision date)

Section 6-34. Maximum number of animals.

No ~~excessive number~~ more than four ~~of~~ animals ~~or fowl~~ of the same species or a combination of four of different species shall be raised or kept. ~~For purposes of this section, excessive shall mean a total of five or more of the same species or a combination of five or more of different species.~~ Newborn animals ~~or fowl~~ may be kept a maximum of eight weeks.

(Ord. No. 6, 3.01(5) revision date)

Section 6-35. Running at large.

No person shall permit any animal ~~or fowl~~ owned by him, or within his charge or possession, to run at large in any street, alley or public place within the township or upon the premises of another.

(Ord. No. 6, 3.01(3) revision date)

Section 6-36. Dangerous, exotic, circus, zoo animals.

No ~~animal or fowl shall be raised or kept that can be considered dangerous to the public safety and/or public welfare.~~ exotic, circus, zoo or other animal considered dangerous to the safety and/or welfare of the public shall be raised or kept within the township.

(Ord. No. 6, 3.01(1) revision date)

Section 6-37. Barking dogs.

Continuous barking of dogs shall be deemed a nuisance and is hereby prohibited.

(Ord. No. 6, 3.01(6))

Section 6-38. Permit for keeping ~~horses~~ livestock animals.

(A) *Permit required; standards for issuance.* A person desiring to keep ~~horses or ponies~~ livestock animals ~~or to maintain a stable~~ within the township shall make written application to the building official for permission to do so. The building official shall then inspect the premises and shall issue a permit for a period of two years if, after such inspection and investigation, the following conditions are fulfilled:

- (1) An area of ~~three-quarters~~ one acre shall be provided for grazing and stabling one ~~horse~~ livestock animal and an additional one-half acre for grazing and stabling each additional ~~horse; except, when the additional horse a pony, the additional grazing and stabling area required shall be one quarter acre.~~ An area of one half acre shall be provided for grazing and stabling each additional pony-livestock animal eight weeks old or older.
- (2) All grazing and stabling areas shall be fenced.
- (3) Fences constructed after the enactment of the ordinance from which this article is derived for the enclosure of grazing areas shall not be less than 100 feet from the existing residence of any person other than the owner of the animals enclosed or of the enclosure unless the owner of the affected premises gives his written consent.

- (B) *Revocation.* When inspection discloses a violation of the conditions or regulations in this section, the building official shall issue a written correction order to the permittee. The permittee shall thereafter have seven days in which to request a hearing. If no hearing is requested, or if, after a hearing, the building official determines that a violation exists, the building official shall revoke the permit. A person whose permit has been revoked or denied may appeal to the township board within seven days after revocation. The township board will conduct a hearing at its next regular meeting.

(Ord. No. 6, 3.01(4), 3.02, 3.05 revision date)

Chapter 10: Buildings and Building Regulations

***Cross References:** Fire prevention and protection, ch. 14; nuisances, ch. 22; streets, sidewalks and other public places, ch. 30; subdivisions and other divisions of land, ch. 34; utilities, ch. 42; zoning, ch. 46.

State Law References: Authority to adopt ordinances for public health and safety, MCL 42.17, 42.1, 41.181.

Article I. In General

Sections 10-1--10-30. Reserved.

Article II. Construction Code

Section 10-31. State construction code adopted.

Section 10-32. Enforcing agency.

Section 10-33 – 10-60. Reserved.

Article III. Fences

Division 1. Generally

Sections 10-61. Definitions.

Sections 10-62 – 10-80. Reserved.

Division 2. Administration and Enforcement

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Article VIII. International Property Maintenance Code

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- 10-262. Revisions and insertions.
- 10-263. Survival of rights and remedies.
- 10-264. Civil infraction penalties.

Article I. In General

Section 10-1–10-30. Reserved.

Article II. Construction Code*

* **State Law References:** Power to regulate construction of buildings, MCL 42.17; state construction code, MCL 125.1501 et seq.

Section 10-31. State construction code adopted.

The state construction code, Public Act ~~971, No.~~ 230 (MCL 125.1501 – 1531 et seq) is hereby adopted by reference and shall be enforced by the building official or his or her designee and all subsequent amendments of the state construction code are hereby adopted by reference pursuant to MCL 42.23, and any revisions shall be numbered in such manner as necessary to refer to corresponding sections of the subsequent edition. Any violations of the state construction code or the following sub-codes shall be a municipal civil infraction.

- 1) Michigan Building Code (R408.30401) which applies to construction, alteration of buildings or structures or any attached buildings, except of detached one- and two-family dwellings and townhouses.
- 2) Michigan Residential Code (R408.30501) which addresses the design and construction of one- and two-family dwellings and townhouses.
- 3) ~~Michigan National - Michigan~~ Electrical Code (R408.30801) which regulates the installation and use of electrical systems or material.
- 4) Michigan Mechanical Code (R408.30901) which regulates the design, installation, maintenance, alteration, and inspection of mechanical systems.
- 5) Michigan Plumbing Code (R408.30701) which regulates the installation and use of plumbing systems or plumbing materials.
- 6) Michigan Rehabilitation Code for Existing Buildings (R408.30551) which addresses repair, alterations and additions to existing buildings.
- 7) Michigan ~~Uniform~~-Energy Code (R408.31001) which addresses energy requirements.
- 8) Premanufactured Unit Rules (R408.31101) which addresses rules for premanufactured units.

(Ord. No. 18, 2.01; Ord. No. 60, 1.01--1.03; Ord. of 4-21-08, 5)

State Law References: Adoption by reference, MCL 42.23.

Section 10-32. Enforcing agency.

Agency designated. Pursuant to the provision of the Michigan Mechanical and Michigan Plumbing Codes, in accordance with Section 8 B of Act 230, P.A., 1972, as amended, St. Joseph Charter Township is hereby designated as the enforcing agency to discharge the responsibility of St. Joseph Charter Township under Act 230, P.A., 1972, as amended, State of Michigan. St. Joseph Charter Township assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

(Ord. of 10-20-2003, 1)

Secs. 10-33–10-60. Reserved

Article III. Fences

Division 1. GENERALLY

Section 10-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The words "used" and "occupied" include the words "intended, designed, or arranged to be used or to be occupied."

Fence means a constructed structure which is vertical to the terrain and consists of equally spaced vertical support members (posts), to which have been affixed horizontal and/or vertical materials which span the openings between the vertical support members (posts), thus forming an enclosure for limiting access to and from real property.

Hedge means a vertical, row-like obstruction consisting of living vegetation, excluding trees, which is cultivated and maintained for pleasing appearance and serves as an enclosure for limited access to and from real property. Such an obstruction normally provides obstruction to vision, but this is dependent upon the season of the year.

Open fence means a fence where the spacing between the vertical support members has been enclosed with either metal wire construction or wooden boards to render a structure that is predominately open and results in limited or no obstruction to vision.

Solid fence means a fence where the spacing between the vertical support members has been enclosed with either metal sheeting, fiberglass panels or typical wooden materials consisting of boards, panels, or stockade type posts rendering a structure without openings which results in total obstruction to vision.

Ventilated fence means a fence where the spacing between the vertical support members has been enclosed with either vertical or horizontal wooden boards spaced in such a manner that openings occur which are not less than four inches in width. The resulting structure is predominately closed and affords limited or complete obstruction to vision but allows passage of air and/or sunlight.

Ventilated wall means a wall which is constructed so as to permit the passage of light and air.

Wall means a constructed structure which is vertical to the terrain and consists of a suitable footing (foundation) upon which a vertical structure has been placed using acceptable masonry techniques employing the use of brick, stone, or cement and/or a combination thereof, thus forming an enclosure for limiting access to and from real property.

(Ord. No. 21, 2.01, 2.02)

Cross References: Definitions generally, 1-2.

Section 10-62--10-80. Reserved.

Division 2. ADMINISTRATION AND ENFORCEMENT*

* **Cross References:** Administration, ch. 2.

Section 10-81. Appeals.

Any determination of the building official with respect to the application of any section of this article is subject to appeal to the township board. The appellant shall have seven days after receiving the notice of determination in which to appeal to the board. The township board will conduct a hearing at its next regular meeting.

(Ord. No. 21, 5.01)

Section 10-82--10-100. Reserved.

Division 3. REQUIREMENTS AND RESTRICTIONS

Section 10-101. Prohibited fences.

- (A) No person shall place or permit to be placed on any fence any spikes, barbed wire or sharp pointed cresting, or other thing dangerous and liable to snag, tear, cut or otherwise injure anyone coming in contact therewith, except for fences which enclose industrial property, provided the fence does not abut residentially zoned property.
- (B) No person shall erect any fence, wall or hedge for the purpose of injuring the property of another by obstructing the view, shutting out the sunshine, hindering ventilation or causing inconvenience in any manner.
- (C) No person shall erect an electric fence containing uninsulated electric conductors that may be exposed to human contact.

(Ord. No. 21, 4.01)

Section 10-102. Time limit for completing construction.

Construction of fences shall be completed within 60 days from the start of construction.

(Ord. No. 21, 4.02)

Section 10-103. Location.

Except as provided in this Code, fences may be located adjacent to a lot line, but shall be constructed and located entirely on the lot of the person responsible for the construction or erection of the fence.

(Ord. No. 21, 4.03)

Section 10-104. Maintenance.

Any fence, wall or hedge constructed or erected in the township shall have a pleasing, aesthetic appearance and shall be maintained in a safe and acceptable manner, conforming to the height requirements of the district in which it is located.

(Ord. No. 21, 4.05)

Section 10-105. Terraces and soil retaining walls.

Only solid wall construction shall be permitted for the purpose of forming a terrace or soil retaining wall along property lines. When such walls are constructed, adequate and proper drainage must be provided so as to not damage neighboring property.

(Ord. No. 21, 4.07)

Section 10-106. Variation in height.

Any variations in fence height above the natural grade of the property must be with the approval of the building official or township board in consideration of neighboring property and effects thereon. No such variation shall allow a height above grade prohibited by the zoning regulations (chapter 46).

(Ord. No. 21, 4.08)

Section 10-107. Double frontage lots.

Where double frontage lots exist, the side of the lot facing the local roadway shall be considered the front yard, and the side of the lot facing a collector or arterial roadway shall be considered the back yard, and each shall conform to all applicable requirements described in this Code. Where necessary to preserve the aesthetic quality of the township, the township may require landscaping in conjunction with the erection of any fence.

(Ord. No. 21, 4.09)

Section 10-108. Supports to be on inside of fence.

All fences shall be constructed with any and all supporting structures or devices on the inside of the fence.

(Ord. No. 21, 4.10)

Section 10-109--10-130. Reserved.

Article IV. Housing Code

Division 1. GENERALLY

Section 10-131. Enclosed garage required for single-family dwellings.

Each single-family dwelling henceforth constructed shall include a fully enclosed private garage, either attached or detached.

(Ord. No. 63, 8.13)

Section 10-132—~~10-150~~ 10-149 Reserved

Division 2. ~~RENTALS AND RENTAL INSPECTION ORDINANCE~~

Section 10-150. Rentals.

A regular, long-term rental dwelling shall be rented for no less than 30 consecutive days in order to retain the long-term rental status.

(revision date)

Section 10-151. Occupancy permit.

An occupancy permit is required ~~before any new tenant moves into a rental dwelling~~ prior to any newly registered rental being occupied and every two years following the required inspection. The permit will indicate

- (A) If occupancy is now allowed,
- (B) Maximum number of occupants permitted,
- (C) Defects that must be repaired, and
- (D) If a re-inspection is required.

Failure to comply with the conditions of the occupancy permit voids the permit. It is a misdemeanor to permit a rental dwelling to be occupied without a valid occupancy permit.

(Ord. No. 71, 1; Ord. of 7-7-2003, 1 [revision date](#))

Section 10-152. Inspections.

Before an occupancy permit is issued, a housing inspection must be completed. To arrange an inspection, telephone the inspection department, (269) 429-7703.

One inspection of the rental dwelling will be made in any 24-month period with a registration charge (see township fee schedule) to the homeowner. All additional inspections, including re-inspections will be charged to the homeowner at a set rate (see township fee schedule). If the property is occupied when inspected, there will be an additional ~~\$50.00~~ inspection fee [as listed on the township fee schedule](#). If inspection fees are not paid in a timely manner, (resulting occupancy permits will become void).

(Ord. No. 71, 2, 3; Ord. of 7-7-2003, 2, 3 [revision date](#))

Section 10-153. Rental registration.

All property owners/agents must register all rental dwellings with the St. Joseph Charter Township Building Department. There is a charge per unit (see township fee schedule). All newly acquired rental dwellings must be registered within ten days of acquisition.

To register a rental unit, telephone or contact the inspection department.

Renewal. Rental registration must be renewed before any new tenant moves into a rental dwelling or registration must be renewed two years from date of original registration, whichever occurs first. Renewal charge is based on regular registration fees.

(Ord. No. 71, 4; Ord. of 7-7-2003, 4, 8)

Section 10-154. Housing Code.

The applicable code is the MRC Michigan Residential Code ~~2000, as amended. 2015 and all subsequent editions as adopted by the State of Michigan~~. A copy of this Code is available at the Township Hall.

(Ord. of 7-7-2003, 5)

Editor's Note: An ordinance adopted July 7, 2003 amended Ordinance No. 71. Therefore, section 10-154 was amended to read as herein set out. Formerly, such section pertained to International Property Maintenance Code adopted and derived from Ord. No. 71, 5. See article VIII for the Property Maintenance Code provisions.

Section 10-155. Code provisions.

The code established reasonable minimum standards for the maintenance and use of existing structures inclusive of dwellings. Some of the standards are:

- (1) *Number of permitted occupants.* A bedroom must have 70 square feet of floor area for the first occupant and additional 50 square feet of floor for each additional occupant. If the bedroom count permits three to five occupants, there also must be at least 120 square feet in the living room, 80 square feet in the dining room and 50 square feet in the kitchen. If the bedroom count allows six or more occupants, there also must be 150 square feet in the living room, 100 square feet in the dining room and 60 square feet in the kitchen.
- (2) *Premises:* The term "premises" includes the land and building(s). The premises must be free from garbage and rubbish and in good repair. The exterior of the structure shall be in good repair and structurally sound. Every foundation, exterior wall, roof and all other exterior surfaces, shall be maintained in a workmanlike state of maintenance and repair.

All windows, other than fixed window sash, shall be capable of being easily opened with the opened sash being held open with window hardware. Every window and exterior door shall be weather stripped. Window and door screens are required April 1 to December 1.

Floor, walls, ceilings and other interior surfaces shall be maintained in a good repair. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be eliminated.

All bathroom and kitchen floor surfaces shall be substantially impervious to water so as to be easily kept clean and sanitary.

No lockset on a door shall be over 48 inches above the floor.

- (3) *Light and ventilation.* Every habitable room shall have at least one window. The window area shall be at least eight percent of the floor area. Of the required window area, at least 45 percent must be openable. Cooking is not permitted in any sleeping room.
- (4) *Plumbing.* All plumbing fixtures shall be in proper operating condition and shall be adequate for personal cleanliness and disposal of human waste. Hot water heaters shall have a P.T.R. valve piped with metal pipe to within four inches of the floor.
- (5) *Mechanical.* All mechanical equipment, including furnaces, shall be properly installed and safely maintained in good working condition and be capable of performing the function for which it was designed or intended.

All habitable areas shall have sufficient heat to maintain a temperature of 70 degrees Fahrenheit.

- (6) *Electrical.* Any condition contributing to a hazard caused by inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, etc., shall be eliminated. At least two separate remote receptacles are required in each habitable room. Every receptacle in a laundry area, bathroom or in near proximity to water, must be grounded or equipped with G.F.I. The use of a grounding adapter is prohibited unless the wiring is in conduit. In event of overfusing, Type "S" fuses of the appropriate size shall be installed.
- (7) *Fire safety.* For each floor above the second floor, there shall be at least two separate and independent exits. Every sleeping room in a basement shall have at least one window or exterior door for rescue or egress and at least two independent exits. Smoke detectors are required in all sleeping areas.
- (8) *Responsibility of tenants.* Every tenant shall maintain that portion of the premises occupied, in a clean and sanitary condition.

(Ord. of 7-7-2003, 6)

Section 10-156. Violation, penalty, enforcement.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any of these provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than (\$50.00) and no more than (\$500.00), and upon failure to pay such fine such person shall be imprisoned in the County Jail of Berrien County, Michigan, for a period not exceeding 90 days. The continued violation of any provision of this division shall be deemed to constitute a separate offense each and every day such violation shall continue.

(Ord. of 7-7-2003, 7)

Section 10-157. Short term rental criteria for special events.

The criteria for special event short term rentals shall be as follows:

- (1) Township Board will determine any event that would qualify a "special event " .

- (2) An annual 14 day limitation will apply to special event short term rental units.
- (3) Our Township Assessor will receive a copy of special event short term rental registrations.
- (4) Exceeding the annual 14 day limit for special event short term rentals will result in loss of homestead exemption .
- (5) Special event short term rental units must be registered at least 14 days in advance and will require an inspection by the building inspector.
- (6) All rental applications will use same registration form.
- (7) Maximum number of occupants permitted for special event short term rental will be stated on the application, to be determined using square footage requirements for dwellings governed by the building code.
- (8) Registration fee for special event short term rentals shall be at current rates.
- (9) A resident or local manager must be named and a contact number provided for renter contact and inspection purposes.
- (10) Emergency information (house address, name/phone number of contact person) must be posted inside the door of each Special event short term rental.
- (11) In the event a house is located in a development that has an Association or Architectural & Rules Committee, a copy of a request, and this criteria list, must be forwarded to them.
- (12) A special event short term rental approval will include an expiration date for a specific time frame.

(Ord. of 1-9-2012)

Section 10-157 10-158--10-180. Reserved.

Article V. Swimming Pools

Section 10-181. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Swimming pool means a body of water, in an artificial or semi-artificial receptacle or other container, **or hot tub or jacuzzi**, either in-ground or aboveground, used or intended to be used for private, public or semipublic swimming **or wading or soaking** by adults or children, or both adults and children, whether or not any charge or fee is imposed upon such adults or children, operated or maintained by any person, whether he be an owner, proprietor, possessor, lessee, tenant, licensee or renter, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, **hot tub or jacuzzi** and also all swimming pools, **hot tubs or jacuzzies** operated and maintained in conjunction with or by motels, hotels, schools, clubs, fraternal organizations, societies, community associations, cooperatives or others.

(Ord. No. 51, 2.01 **revision date**)

Cross References: Definitions generally, 1-2.

Section 10-182. Enclosure.

Every swimming pool shall be completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four inches in any dimension except for doors and gates. If a picket fence is erected or maintained, the horizontal dimension between pickets shall not exceed four inches. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosure shall be equipped with a closing and latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. This requirement shall be applicable to all new swimming pools which have a depth of 18 inches or more of water at any point. No person in possession of land within the township, either as owner, proprietor, possessor, lessee, tenant, licensee or renter, upon which is situated a swimming pool having a depth of 18 inches or more of water at any point shall fail to provide and maintain such fence or wall as provided in this section.

(Ord. No. 51, 3.01)

Section 10-183. Nuisances and health hazards.

~~No swimming pool shall become a health nuisance or health hazard.~~ A swimming pool shall be maintained in a clean and sanitary manner with the proper chemicals and maintenance to prevent a nuisance or health hazard. Pools not maintained shall be drained and properly covered or removed. If an outdoor pool is removed the area shall be filled with sand and top soil to prevent a fall hazard.

(Ord. No. 51, 3.02 revision date)

Cross References: Nuisances, ch. 22.

Section 10-184. Pool ~~water~~ filling procedure.

The procedure for ~~water~~ filling of swimming pools shall be as follows:

- (1) The property owner shall contact the township office for service and shall ~~sign a hold harmless agreement with the township~~ complete an *Application to Fill Swimming Pool and Receipt for Charges* form before any work is begun.
- (2) The township office will forward the request to the fire chief in whose water district the pool is located.
 - a. Notification of intent to use hydrants must be made to the ~~respective city's~~ City of St. Joseph's water superintendent, ~~water department~~ prior to use, by the township's fire chief or the fire chief's designee, and should be made during normal working hours. ~~Persons to contact are the water superintendent of the City of Benton Harbor and the water superintendent of the City of St. Joseph.~~
 - b. At no time are hydrants to be used for filling without having a control valve located between the hydrant and the hose for safety.
 - c. At no time are hydrants to be opened by anyone other than authorized personnel.
- (3) The respective fire chief will select two volunteer firefighters from his department to perform the actual work, and a record of their activities, such as time spent, volume of water used and other pertinent information, will be forwarded to the township office for billing purposes.
- (4) The township office will bill the property owner or requester in accordance with the current fee schedule.
- (5) Payment in advance will be required.

- (6) The township office will forward, ~~quarterly,~~ to the ~~respective~~ city clerks of St. Joseph, ~~and Benton-Harbor~~ the requester's ~~name~~ address ~~and volume of water used~~ along with a portion of the amount collected by the township. The city's portion of the township's pool fill fee will be a customary amount agreed on by both the township and the city and may change with written approval from both the city and the township.

(Ord. No. 51, 4.01 revision date)

Section 10-185--10-210. Reserved.

Article VI. Structure Numbers

Section 10-211. Purpose.

The purpose of this article is to mandate that all structures in St. Joseph Charter Township have visible structure numbers and to protect the health and welfare of all St. Joseph Charter Township citizens in case of emergency and to establish violation of this article as a municipal civil infraction.

(Ord. of 6-2-08, 3)

Section 10-212. Structure numbering required.

All premises or structures shall bear a distinctive street number in accordance with and as designated by the street numbering system historically established and assigned by the Township and adopted by Berrien County as the "Berrien County Universal House Numbering System".

(Ord. of 6-2-06, 4)

Section 10-213. Display of numbers.

All persons, firms, Corporations or other legal entities owning or occupying any structure or premises in St. Joseph Charter Township shall affix the correct number to the front of said structure, facing the street and at or near the principal entrance thereof in such position to be plainly visible from the street. Numbers so affixed shall be not less than four inches in height and shall be posted in a manner as to be legible and distinguished from the street or road on which the property is located.

(Ord. of 6-2-08, 5)

Section 10-214. Posting of designated address numbers.

The owner or occupant or person in charge of any house, building, apartment or other structure or premises to which a number has been assigned shall:

- 1) Within 30 days after receipt of notification of such number, affix the number in a conspicuous place.
- 2) Remove any different numbers which might be mistaken for or confused with the number assigned to such property by the issuing authority.
- 3) Mailboxes shall be marked with the house number.

- 4) If the structure is not visible from the street or road on which it is located, a sign or number posted shall be erected which will allow the numbers to be displayed.

(Ord. of 6-2-08, 6)

Section. 10-215. Compliance

In the event that the owner or occupant or person in charge of any house, building or structure refuses to comply with the terms of this article by failing to affix the numbers assigned within 30 days after notification, or by failing within said period of 30 days to remove any old numbers affixed to such or structure elsewhere which may be confused with the number assigned thereto, said owner or occupant shall be deemed to have committed a municipal civil infraction and may be punished by paying a fine of no greater than \$100.00, plus costs not to exceed \$500.00 and damages, expenses and other sanctions as authorized under Chapter 87 of Public Act 236 of 1961, being MCL 600.8701 et seq. Costs shall include all expenses, direct and indirect, to which the township has been put in connection with the municipal civil infraction.

(Ord. of 6-2-08, 7)

Section 10-216--10-240. Reserved.

Article VII. Dangerous and Unsafe Structures*

***State Law References:** Dangerous buildings, MCL 125.538.

Section Sec. 10-241. Dangerous buildings prohibited.

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building as defined in section 10-242.

(Ord. No. 63, 14.11)

State Law References: Similar provisions, MCL 125.538.

Section 10-242. "Dangerous building" defined.

- (A) As used in this article, the term "dangerous building" means a building or structure that has one or more of the following defects or is in one or more of the following conditions:
- (1) A door, aisle, passageway, stairway, or other means of exit does not conform to the approved fire code of the township.
 - (2) A portion of the building or structure is damaged by fire, wind, flood, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of this article or the state construction code for a new building or structure, purpose, or location.
 - (3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
 - (4) A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by law or the state construction code.

- (5) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (6) The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.
- (7) The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants or criminals, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the county health officer or the township determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- (9) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (10) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of Public Act No. 299 of 1980 (MCL 339.2501 et seq.).
- (B) For purposes of this article, the term "building or structure" includes, but is not limited to, a commercial building or structure.
- (C) This section does not apply to either of the following:
 - (1) A building or structure as to which the owner or agent does both of the following:
 - a. Notifies the township police that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the township police by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
 - b. Maintains the exterior of the building or structure and adjoining grounds in accordance with law and the state construction code.
 - (2) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the police that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subsection shall notify the police not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subsection, the term "secondary dwelling" means a dwelling such as a vacation home, hunting cabin, or summer home that is occupied by the owner or a member of the owner's family during part of a year.

(Ord. No. 63, 13.01)

Cross References: Definitions generally, 1-2.

State Law References: Similar provisions, MCL 125.539.

Section 10-243. Notice of dangerous building.

- (A) Notwithstanding any other provision of this article, if a building or structure is found to be a dangerous building, the building official shall issue a notice that the building or structure is a dangerous building.
- (B) The notice shall be served on the owner, agent, or lessee that is registered with the enforcing agency under section 125 of the Housing Law of Michigan (MCL 125.525). If an owner, agent, or lessee is not

registered under such section, the notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.

- (C) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- (D) The hearing officer shall be appointed by the township supervisor to serve at his pleasure. The hearing officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building official, or member of a community housing organization. An employee of the township shall not be appointed as hearing officer. The building official shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.
- (E) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten days before the date of the hearing included in the notice.

(Ord. No. 63, 13.02, 14.03)

State Law References: Similar provisions, MCL 125.540.

Section 10-244. Hearing; issuance of order; enforcement of order; payment of costs incurred by township.

- (A) At a hearing prescribed by section 10-243, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.
- (B) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall so order, fixing a time in the order for the owner, agent, or lessee to comply with the order. If the building is a dangerous building under section 10-242(a)(10), the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building, including, but not limited to, the maintenance of lawns, trees, and shrubs.
- (C) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (b) of this section, the hearing officer shall file a report of the findings and a copy of the order with the township board not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. If the township board has established a board of appeals pursuant to section 141c of the Michigan Housing Law (MCL 125.541c), the hearing officer shall file the report of the findings and a copy of the order with the board of appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in section 10-243.
- (D) The township board or the board of appeals, as applicable, shall fix a date not less than 30 days after the hearing prescribed in section 10-243 for a hearing on the findings and order of the hearing officer and shall give notice to the owner, agent, or lessee in the manner prescribed in section 10-243 of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The township board or the board of appeals shall either approve, disapprove, or modify the order. If the township board or board of appeals approves or modifies the order, the township board shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection.

In the case of an order of demolition, if the township board or the board of appeals determines that the building or structure has been substantially destroyed by fire, wind, flood, or other natural disaster, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection.

- (E) The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure, or grounds adjoining the building or structure, incurred by the township to bring the property into conformance with this article shall be reimbursed to the township by the owner or party in interest in whose name the property appears.
- (F) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the township shall have a lien for the cost incurred by the township to bring the property into conformance with this article. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under Public Act No. 206 of 1893 (MCL 211.1 et seq.).
- (G) In addition to other remedies, the township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The township shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

(Ord. No. 63, 14.12)

State Law References: Similar provisions, MCL 125.541.

Section 10-245. Enforcement of judgment against other assets of owner.

- (A) A judgment in an action brought pursuant to section 10-244(g) may be enforced against assets of the owner other than the building or structure.
- (B) The township shall have a lien for the amount of a judgment obtained pursuant to section 10-244(g) against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

(Ord. No. 63, 14.06)

State Law References: Similar provisions, MCL 125.541a.

Section Sec. 10-246. Noncompliance with order.

A person who fails or refuses to comply with an order approved or modified by the township board or board of appeals under section 10-244 within the time prescribed by that section is guilty of a misdemeanor. (Ord. No. 653, 14.11)

State Law References: Similar provisions, MCL 125.541b.

Section 10-247. Appeal to circuit court.

An owner aggrieved by any final decision or order of the township board or the board of appeals under section 10-244 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

State Law References: Similar provisions, MCL 125.541b.

Secs. 10-248--10-260. Reserved.

Article VIII. International Property Maintenance Code*

Editor's Note: Formerly, Ord. No. 71, 5, adopted the 2000 edition of the International Property Maintenance Code.

Section 10-261. Code and amendments and revisions adopted.

The ~~2006 edition of the~~ International Property Maintenance Code published by the International Code Council is hereby adopted, and all subsequent editions of the International Property Maintenance Code are hereby adopted by reference pursuant to MCL 42.23, and any revisions shall be numbered in such a manner as necessary to refer to corresponding sections of the subsequent edition. Any violations of the International Property Maintenance Code shall be a municipal civil infraction.

(Ord. No. 22, 1, 7-14-2003; Ord. of 4-21-08, 6)

State Law References: Authority to adopt technical regulations by reference, MCL 42.23.

Section 10-262. Revisions and insertions.

The following sections are hereby revised:

Section 101.1 St. Joseph Charter Township

Section 103.6 Pursuant to the fee schedule presently in force.

Section 303.14 The applicable dates are from April 1st to November 1st each year.

Section 602.3 The applicable dates are from September 1st to June 1st each year.

Section 602.4 The applicable dates are from September 1st to June 1st each year.

(Ord. No. 22, 2, 7-14-2003)

Section 10-263. Survival of rights and remedies.

Nothing in this article or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in section 10-262 of this article; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

(Ord. No. 22, 3, 7-14-2003)

Section 10-264. Civil infraction penalties.

Any violation of the Property Maintenance Code shall be a municipal civil infraction punishable by a fine not to exceed \$400.00 and costs not to exceed \$500.00.

(Ord. No. 22, 4, 7-14-2003)

Chapter 14: FIRE PREVENTION AND PROTECTION*

***Cross References:** Buildings and building regulations, ch. 10; fires in parks or other public property, 30-35.

State Law References: State fire prevention act, MCL 29.1; crimes related to fires, MCL 750.240 et seq.; township powers relative to fire prevention and protection, MCL 42.1, 41.801 et seq.

Article I. In General

14-1. False alarms; blocking fire escape or exit; obstructing hydrant; unauthorized use of hydrant.

14-2--14-30. Reserved.

Article II. Fire Department

14-31. Training of officers and firefighters.

14-32--14-60. Reserved.

Article III. Fire Safety

14-61. Definitions.

14-62. Protective structures and devices required; authority of fire chief.

14-63. Inspections by fire chief.

14-64. Designation of additional inspectors.

14-65. Compliance with orders of fire chief.

14-66. Fire hazards declared nuisance.

14-67. Combustible materials.

14-68. Heating and electrical devices.

14-69. Improper construction or repair.

14-70. Bonfires and other fires.

14.71. International Fire Code.

14.72. Revisions and Insertions.

Article I. In General

Section 14-1. False alarms; blocking fire escape or exit; obstructing hydrant; unauthorized use of hydrant.

No person shall turn in, sound or communicate to the fire department any false alarm of fire. No person shall block any fire escape, stairway, fire door or exit door in such manner as to impede the free use thereof. No person shall leave or deposit any material or other objects within 15 feet of any fire hydrant. No person, except township employees on duty, shall open or draw water from a fire hydrant.

(Ord. No. 24, 3.06)

State Law References: False fire alarms, MCL 750.240; parking near fire hydrant, MCL 257.674(l)(d).

Section 14-2--14-30. Reserved.

Article II. Fire Department*

*State Law References: Township fire department, MCL 42.13.

Section 14-31. Training of officers and firefighters.

The police, fire and public safety committee may send any of the officers and firefighters of the fire department to schools of instruction designed to promote the efficiency of the firefighters and, if duly authorized in advance, pay their necessary expenses from the funds used for the maintenance and operation of the fire department.

(Ord. No. 24, 4.04)

State Law References: Firefighters Training Council Act, MCL 29.361 et seq.

Section 14-32--14-60. Reserved.

Article III. Fire Safety

Section 14-61. Definitions.

Fire hazard means every building, structure, place, thing or condition which by reason of its nature, location, occupancy, condition or use may cause loss, damage or injury to persons or property by reason of fire or explosion.

(Ord. No. 24, 2.01)

Cross References: Definitions generally, 1-2.

Section 14-62. Protective structures and devices required; authority of fire chief.

The fire chief shall have power and authority relating to the installation of such fire extinguishers, fire direct doors, firewalls, fire escapes, vents, safety valves, exit doors, exit lights and other safety devices or structures as the public safety and sound fire prevention practice may require in or on any store, office, commercial building, apartment, hotel, shop, factory, or other building or structure into which the public is invited or in which persons are

employed or live as tenants, and it shall be the duty of the owner or occupant of any such lands, premises, building or structure to install such structures or devices and to keep such structures and devices in good working order at all times.

(Ord. No. 24, 4.01)

Section 14-63. Inspections by fire chief.

The fire chief is hereby authorized to enter upon or into any lands, premises, building or structure within the township at all reasonable hours for the purpose of inspecting the lands, premises, building or structure to determine whether any fire hazard exists therein, or whether the provisions of this chapter are being observed, or whether all safety structures or other devices required by this chapter have been installed and are in good working order.

(Ord. No. 24, 4.02)

Section 14-64. Designation of additional inspectors.

The fire chief shall have authority to designate any of his subordinates to perform the inspection duties imposed upon him by the terms of this chapter.

(Ord. No. 24, 4.03)

Section 14-65. Compliance with orders of fire chief.

Any person who violates or fails to comply with any lawful order or direction of the fire chief given under the authority of this chapter shall be guilty of a misdemeanor.

(Ord. No. 24, 5.01)

Section 14-66. Fire hazards declared nuisance.

Every fire hazard of whatever nature or origin is hereby declared to be a public nuisance, and such fire hazard may be abated and removed or its continuance enjoined in any manner provided or permitted by law for the abatement of nuisances.

(Ord. No. 24, 3.01)

Section 14-67. Combustible materials.

No person shall allow or permit any rags, waste, chips, trash, rubbish, wastepaper, ashes, oil, excelsior or other combustible material to accumulate on or in any lands, premises or building owned or occupied by him except in metal or other fireproof containers so located as not to constitute a fire hazard, nor shall any person keep or maintain any paint, varnish, or similar material unless the material is kept in closed containers when not being applied.

(Ord. No. 24, 3.02)

Section 14-68. Heating and electrical devices.

No person shall construct or maintain on or in any lands, premises, or buildings owned or occupied by him any boiler, stove, water tank or heater, furnace, chimney, pipe, duct or other device for the production or transmission of heat, smoke or gas, or any electric wiring, which is so constructed, operated or located, or which is in such a condition of disrepair, as to constitute a fire hazard or to subject such lands, premises or building or other property in the vicinity thereof to the danger of fire or explosion.

(Ord. No. 24, 3.03)

Cross References: Utilities, ch. 42.

Section 14-69. Improper construction or repair.

No person shall erect or maintain on any lands or premises owned or occupied by him any building or structure which by reason of improper construction, want of repair or other conditions therein is especially liable to fire or explosion or is so situated as to endanger other property in the vicinity thereof.

(Ord. No. 24, 3.04)

Section 14-70. ~~Bonfires and other fires.~~ Fires and burning.

- (A) No person shall kindle or maintain any ~~bonfire or other recreational~~ fire unless the fire is located more than ~~15~~ 25 feet from any building, structure or ~~paved road~~ roadway including but not limited to fencing, wood piles, sheds, outbuildings and utility poles. Recreational fires must be contained in a ring not to exceed ~~4~~ four three (3) feet in diameter, no more than two (2) feet high and ~~is~~ must be constantly attended until completely extinguished. ~~Dry wood must be used for recreational fires to prevent excess smoking. Approved recreational fires must be in a rear or side yard.~~
- (B) ~~Only with a burn permit issued by the fire chief or the fire chief designee is a fire greater than four three feet permitted.~~ The fire chief or the fire chief designee shall have authority to order the extinguishing of any ~~bonfire or other~~ fire when ~~ever~~, in his judgement, the fire constitutes a hazard ~~because of~~ due to high wind or other conditions as set forth in section 51507 of the Natural Resources and Environmental Protection Act (MCL 324.51507).
- (C) Out-door burning of leaves, refuse, wood treated with creosote, wolmanized, pressure treated or otherwise painted, stained or coated is prohibited. Asphalt or fiberglass roofing material, tires, trash, garbage, or other household or industrial refuse may not be burned in the township.

(Ord. No. 24, 3.05, revision date)

Section 14-71. International Fire Code.

The 2015 edition of the International Fire Code published by the International Code Council is hereby adopted in conjunction with the currently adopted state building code and all subsequent additions of the International Fire Code are hereby adopted pursuant to MCL 42.23, and any revisions shall be numbered in such a manner as necessary to refer to corresponding sections of the subsequent addition. Any violations of the International Fire Code shall be a Misdemeanor.

Section 14-72. Revisions and Insertions.

The following sections of The International Fire Code are hereby revised:

- (A) Section 101.1 St. Joseph Charter Township
- (B) Section 109.4 Misdemeanor, \$500.00, 93 days
- (C) Section 111.4 \$100.00, \$500.00

(revision date)

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

Section 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.

Section 22-2--22-30. Reserved.

Article II. Litter and Debris

Section 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.

Section 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.

Section 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 ~~currently licensed or~~ 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 ~~township staff member 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 ~~currently licensed or~~ 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 ~~township staff member~~ 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) ~~revision date~~)

Cross References: Traffic and vehicles, ch. 38.

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

Section 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.

Section 22-35--22-60. Reserved.

Article III. Weeds*

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

Section 22-61. Certain weeds declared nuisance.

Ragweed, bitterdock, burdock, thistles, golden rod, poison ivy, Japanese knotweed 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, Amended 08-01-16)

Section 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)

Section 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)

Chapter 26: Offenses and Miscellaneous Provisions

***Cross References:** Traffic and vehicles, ch. 38.

State Law References: Authority to adopt ordinances for public health and safety, MCL 42.14, 42.1, 41.181.

Article I. In General

Sec. 26-1. Curfew for minors.

Sec. 26-2. Municipal civil infractions.

Sec. 26-3. Sanction for violation of municipal civil infraction.

Secs. 26-4--26-30. Reserved.

Article II. Offenses Involving Property Rights

Division 1. Generally

Secs. 26-31--26-50. Reserved.

Division 2. Trespass

Sec. 26-51. Purpose of division.

Sec. 26-52. Definitions.

Sec. 26-53. Enforcement.

Sec. 26-54. Trespassing prohibited.

Sec. 26-55. Restrictions on operation of motor vehicle by minor.

Sec. 26-56. Permitting motor vehicle or animal to be used in violation of division.

Sec. 26-57. Assisting or allowing violation by minor.

Secs. 26-58--26-80. Reserved.

Article III. Offenses Involving Public Safety

Division 1. Generally

Sec. 26-81. Hunting prohibited.

Sec. 26-82. Trapping.

Secs. 26-83--26-100. Reserved.

Division 2. Firearms

Sec. 26-101. Definitions.

Sec. 26-102. Use restricted.

Sec. 26-103. Firing across or upon roads.

Sec. 26-104. Approval of practice ranges.

Sec. 26-105. Possession by person under 18 years of age.

Secs. 26-106--26-130. Reserved.

Article IV. Offenses Involving Public Peace and Order

Division 1. ~~Generally~~ Fireworks

- Sec. 26-131. Purpose of division.
- Sec. 26-132. Definitions.
- Sec. 26-133. Manufacture of fireworks.
- Sec. 26-134. Prohibited fireworks.
- Sec. 26-135. Minors.
- Sec. 26-136. General Restrictions.
- Sec. 26-137. Applicability of general ordinances.
- Sec. 26-138. Zoning ordinances.
- Sec. 26-139. Imminent dangers.
- Sec. 26-140. Seizure.
- Sec. 26-141. Display fireworks.
- Sec. 26-142. Penalty.
- Sec. 26-143. Severability.
- Sec. 26-144 --26-150. Reserved.

Division 2. Noise

- Sec. 26-151. Determination of violation.
- Sec. 26-152. Unreasonable noise prohibited.
- Sec. 26-153. Specific noises prohibited.
- Sec. 26-154. Exemptions.

Article I. In General

Section 26-1. Curfew for minors.

(A) *Hours.* It shall be unlawful for any minor under 16 years of age to be or remain in or upon any of the public streets, alleys, parks, playgrounds, wharves, or docks, or in public or semipublic places and buildings, or in places of amusement or entertainment, vacant lots or other unsupervised places, between the hours of 10:00 p.m. and 6:00 a.m., local time, on Sunday, Monday, Tuesday, Wednesday and Thursday of each week, and between the hours of 11:00 p.m. and 6:00 a.m., local time, of the following day on Friday and Saturday of each week.

(B) *Exceptions.* The provisions of this section shall not apply if the minor is:

- (1) Accompanied by the minor's parent or guardian or an adult designated by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian or an adult designated by the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency. In this subsection, the term "emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;
- (6) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor;
- (7) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (8) Married or had been married or had disabilities of minority removed in accordance with law.

(C) *Responsibility of parent or guardian.* It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under 16 years of age to allow or permit such minor to go or be upon any of the public streets, alleys, parks, playgrounds, wharves, or docks, or in public or semipublic places and buildings, or in places of amusement or entertainment, vacant lots or other unsupervised places, in violation of subsection (a) of this section.

(D) *Lack of knowledge by parent or guardian.* It shall not constitute a defense under this section that the parent, guardian or other person having the care and custody of a minor who violates subsection (a) of this section did not have knowledge of the presence of the minor in and upon any street, alley, park, playground, wharf, dock or public or semipublic place or building, or place of amusement or entertainment, vacant lot or other unsupervised place, contrary to subsection (a) of this section.

(E) *Duties of proprietors of places of amusement or entertainment.* It shall be unlawful for the proprietor or the person in charge of any place of amusement or entertainment to allow or permit any minor to be or to remain in such place of amusement in violation of this section.

(F) *Custody of minors found in violation.* Any minor found by any police officer upon the public streets, alleys, parks, playgrounds, wharves, docks, or public or semipublic places and buildings, or in places of amusement or entertainment, vacant lots or other unsupervised places, in violation of subsection (a) of this section shall be taken into custody by the police officer and delivered as soon as may be to the parent, guardian or other

adult person having the care and custody of the minor, or, if such person cannot be found within a reasonable time, such minor shall be lodged in the county detention home.

(Ord. No. 15, 2.01--2.05)

State Law References: Curfew, MCL 722.751 et seq.

Section 26-2. Municipal civil infractions.

Notwithstanding the provisions of Chapter 1, Section 1.7 of the St. Joseph Charter Township Code establishing violations of the Code as misdemeanors, the following sections of the St. Joseph Charter Township Code are hereby amended to be municipal civil infractions pursuant to MCL 600.8701 et seq.:

- (1) Chapter 6, Article II, Section 6-35 (Animal Running at Large).
- (2) Chapter 6, Article II, Section 6-37 (Barking Dogs).
- (3) Chapter 10, Article III, Division 3, Section 10-104 (Fence Maintenance).
- (4) Chapter 10, Article V, Section 10-182 (Swimming Pool Enclosure).
- (5) Chapter 22, Article II, Section 22-31 (Litter and Debris).
- (6) Chapter 22, Article II, Section 22-32 (Storage of Garbage).
- (7) Chapter 22, Article II, Section 22-33 (Non-Operable Vehicles).
- (8) Chapter 22, Article III, Section 22-62 (Cutting Nuisance Weeds).
- (9) Chapter 26, Article II, Division 2, Section 26-54 (Trespassing).
- (10) Chapter 26, Article IV, Division 2, Section 26-152 (unnecessary Noise).
- (11) Chapter 26, Article IV, Division 2, Section 26-153 (Specific Noise Prohibited).
- (12) Chapter 46, Article VII, Section 46-393 (Parking Facilities).

(Ord. of 4-21-08, 4)

Section 26-3. Sanction for violation of municipal civil infraction.

The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount of not greater than \$100.00 plus costs not to exceed \$500.00, and damages, expenses and other sanctions, as authorized under Chapter 87 of Public Act of 236 of 1961 (MCL 600.8701) et seq.). Costs shall include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction violation.

(Ord. of 4-21-08, 7)

Section 26-4—26-30. Reserved.

Article II. Offenses Involving Property Rights

Division 1. GENERALLY

Section 26-31--26-50. Reserved.

Division 2. TRESPASS*

***State Law References:** Trespass, MCL 750.546 et seq.

Section 26-51. Purpose of division.

The purpose of this division is to prohibit trespasses on private or public property within the township by any person and, in particular, by persons on animals or motorized vehicles.

(Ord. No. 57, 1.02)

Section 26-52. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motorized vehicle means any snowmobile, trail bike, motor scooter, motorbike, motorcycle, dune buggy or other vehicle modified for use off the traveled portion of the road or designed for such use.

Owner, in the case of motorized vehicles or animals, includes both the lessor and lessee or contract purchaser, and in the case of private property includes the title holder, land contract vendee and lessee.

Private property means any land, title to which is held by one or more natural persons or corporations, co-partnerships or voluntary associations.

Trespass means going upon the lands owned or leased by another or public lands without the expressed permission of the owner, other than upon public roads, except in case of emergency such as a fire or police emergency or in conjunction with maintenance and operation of public utilities by employees of such public utilities in the normal course of their duties or by police officers in the course of their duties.

(Ord. No. 57, 2.01)

Cross References: Definitions generally, 1-2.

Section 26-53. Enforcement.

Any police officer, peace officer, or ordinance enforcement officer of the township is authorized to issue appearance tickets for violations of this division pursuant to section 9c of the Code of Criminal Procedure (MCL 764.9c). In any proceedings involving a violation of this division, the registration number displayed on any motorized vehicle shall constitute prima facie evidence that the owner of the motorized vehicle was the person operating the vehicle at the time of the offense, unless the appearance ticket and complaint specifically cite another person.

(Ord. No. 57, 3.02)

Section 26-54. Trespassing prohibited.

No person shall trespass on private or public property in the township, and no owner or operator of a motorized vehicle shall permit the vehicle to trespass on private or public property in the township, and no one riding or

leading any animal shall trespass on private or public property in the township.

(Ord. No. 57, 3.01(1))

Section 26-55. Restrictions on operation of motor vehicle by minor.

No person under the age of 12 shall operate a motorized vehicle except under the direct supervision of an adult, and then only on land owned or under the control of such adult. No person between the ages of 12 and 16 may operate a motorized vehicle unless such person is under the direct supervision of a person who is 18 years of age or older, unless authorized to do so by law and with the consent of the owner of the property upon which it is operated.

(Ord. No. 57, 3.01(2))

Section Sec. 26-56. Permitting motor vehicle or animal to be used in violation of division.

No owner of a motorized vehicle or animal, or parent or legal guardian of such person under the age of 18 years, shall permit the use of a motorized vehicle or animal by such person in violation of this division.

(Ord. No. 57, 3.01(3))

Cross References: Animals, ch. 6; traffic and vehicles, ch. 38.

Section 26-57. Assisting or allowing violation by minor.

Any person of the age of 18 years or over assisting, aiding, abetting, allowing, permitting or encouraging any minor under the age of 18 to violate the provisions of this division shall be guilty of a misdemeanor.

(Ord. No. 57, 3.01(4))

Section 26-58--26-80. Reserved.

Article III. Offenses Involving Public Safety

Division 1. GENERALLY

26-81. Hunting prohibited.

No hunting shall be permitted anywhere within the township. (Ord. No. 27, 3.02)

Section 26-82. Trapping.

(A) *Definitions.* As used in this section, the following terms shall have the following meanings:

- (1) *Owner.* Where written permission is required from the owner in this section, the following shall be considered the owner: the land contract vendee; the lessee, if for a term of one year or more, otherwise the lessor; or a file tenant. If the property is owned by a partnership, permission from a partner or managing partner if a limited partnership will be sufficient for purposes of this section. If property is held jointly, permission from any of the joint owners will be sufficient for purposes of this section.
- (2) *Public property* includes any property owned or held by the state, county, city, or township or any public corporation or authority whose membership is made up of representatives from municipalities.

- (3) *Trapping* means the capturing of animals by traps, but does not include ground mole traps, mouse traps or rat traps.

(B) *Trapping on public property.* No person shall engage in trapping on any public property in the township.

(C) *Trapping on private property.* Persons may engage in trapping on private property subject to the following conditions:

- (1) Written permission from the owner of the property shall first be obtained and a copy thereof filed with the police department of the township prior to setting any traps. The permission shall be dated and be for the length of the season as identified by the state department of natural resources.
- (2) Such person shall be licensed as required by state law and comply with all of the requirements, including duly adopted rules and regulations of the state department of natural resources.
- (3) No traps in excess of a five-inch jaw spread as measured through the pivot points shall be utilized.

(D) *Trapping on own property.* The owner of property may trap on his own property, subject to the following conditions:

- (1) Such persons shall be licensed as required by state law and comply with all the requirements, including duly adopted rules and regulations of the state department of natural resources.
- (2) No traps in excess of a five-inch jaw spread as measured through the pivot points shall be utilized.
- (3) The owner is not required to file a written permission with the police department, but shall have in his possession and display on request of any law enforcement official evidence of ownership of the property in the form of a copy of a tax bill receipt or other instrument demonstrating ownership.

(Ord. No. 28, 2.01, 3.01--3.03)

Section 26-83--26-100. Reserved.

Division 2. FIREARMS*

***State Law References:** Local regulation of firearms, MCL 123.1101 et seq.

Section 26-101. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved range means a range for the shooting of firearms, constructed in such manner as to prevent the projectile from any weapon fired on the range from exceeding the physical limits of the range.

Building, structure and edifice mean a space within walls and usually, but not necessarily, covered with a roof.

Firearm means any weapon or device from which is propelled any **arrow**, missile, projectile, bullet, shot, pellet or other mass by means of explosives, compressed air or gas, or by means of levers or other mechanical devices.

(Ord. No. 27, 2.01 **revision date**)

Cross References: Definitions generally, 1-2.

Section 26-102. Use restricted.

No person shall discharge any ~~pistol, revolver or rifle~~ firearm, as defined above within the township, except as follows:

- (A) Authorized officers of the law are permitted to discharge their weapons in the performance of their duties.
- (B) A person may discharge a weapon for target practice purposes, in a safe manner, upon a range which has been approved by the township board for the specified type of weapon so discharged.
- (C) A person may discharge a shotgun for purposes of controlling rodents where a problem exists, in areas specifically designated by the chief of police, after obtaining a permit for that purpose from the chief of police.

(Ord. No. 27, 3.01 ~~revision date~~)

Section 26-103. Firing across or upon roads.

It shall be unlawful to discharge any firearms upon or across any public road or highway within the township.

(Ord. No. 27, 3.03)

Section 26-104. Approval of practice ranges.

The township board shall approve firearms practice ranges provided that the range so approved shall be so constructed as to prevent the discharge from the specified type of firearms exceeding the limits of the approved range. Approval of any practice range shall specify in the approval the type of firearm that may be used on the practice range. Use of any firearms not approved for the practice range shall be grounds for withdrawal of approval of the range.

(Ord. No. 27, 3.04)

Section 26-105. Possession by person under 18 years of age.

(A) Except as provided in subsection (b) of this section, an individual less than 18 years of age shall not possess a firearm in public except under the direct supervision of an individual 18 years of age or older.

(B) Subsection (a) of this section does not apply to an individual less than 18 years of age who possesses a firearm in accordance with part 401 (wildlife conservation) of the Natural Resources and Environmental Protection Act (MCL 324.40101 et seq.) or part 435 (hunting and fishing licensing) of such act (MCL 324.43501 et seq.). However, an individual less than 18 years of age may possess a firearm without a hunting license while at, or going to or from, a recognized target range or trap or skeet shooting ground if, while going to or from the range or ground, the firearm is enclosed and securely fastened in a case or locked in the trunk of a motor vehicle.

(Ord. No. 27, 3.05)

State Law References: Similar provisions, MCL 750.234f.

Section 26-106--26-130. Reserved.

Article IV. Offenses Involving Public Peace and Order

Division 1. FIREWORKS

Section 26-131 .Purpose of division.

The purpose of this ordinance is to provide for the regulation of the ignition, discharge, and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.45 I et seq., as amended.

The Charter Township of St. Joseph finds that fireworks endanger property, can cause physical injury, and disrupt the peace and quality of residential neighborhoods and other districts. The Charter Township of St. Joseph endeavors to reconcile the rights that the Act confers upon sellers and consumers, with the rights of citizens and families to reside in a safe, peaceful, and harmonious community. This ordinance is adopted to repeal existing fireworks ordinances that conflicted with the Act, and to impose conditions on the time, place, manner of use, discharge, and ignition of fireworks deemed to be within the purview of local regulation, and to protect the public health, safety and general welfare.

Section 26-132. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when context clearly indicates a different meaning:

Act. The Michigan Fireworks Safety Act, Act 256 of 2011, and any amendments to the Act which may be from time to time adopted.

APA standard 87-1. 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American pyrotechnics Association of Bethesda, Maryland.

Articles pyrotechnic. Pyrotechnic devices for professional use, that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN043 I or UN0432 under 49 CFR 172.101.

Consumer fireworks. Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and I 507, and that are listed in APA standard 87- I , 3.1.2, 3.I .3, or 3.5. Consumer fireworks does not include low-impact fireworks.

Display fireworks. Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation as provided in 27 CFR 555.I I, 49CFR 172, and APA standard 87-1, 4.1.

Fireworks. Any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

Low-impact fireworks. Ground and hand-held sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1. I.1 to 3.1.1.8, and 3.S.

Minor. An individual who is less than 18 years of age.

Natural water ways. Includes the St. Joseph River and its tributaries, and Lake Michigan.

Novelties. That term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- (1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- (2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- (3) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- (4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

National holiday. The following legal public holidays:

- ~~(1) — New Year's Day, January 1.~~
- ~~(2) — Birthday of Martin Luther King, Jr., the third Monday in January.~~
- ~~(3) — Washington's Birthday, the third Monday in February.~~
- ~~(4) — Memorial Day, the last Monday in May.~~
- ~~(5) — Independence Day, July 4~~
- ~~(6) — Labor Day, the first Monday in September.~~
- ~~(7) — Columbus Day, the second Monday in October.~~
- ~~(8) — Veteran's Day, November 11.~~
- ~~(9) — Thanksgiving Day, the fourth Thursday in November.~~
- ~~(10) — Christmas Day, December 25.~~

Person. Any individual, agent, legal representative, association, charitable organization, church, non-profit organization, unincorporated organization, labor organization, partnership, limited liability company, corporation, or any other entity or organization. An individual shall include a minor as defined in this article.

Special effects. A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment

State Fire Marshall. The State Fire Marshall appointed under section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b.

Section 26-133. Manufacture of Fireworks.

The manufacture of fireworks is prohibited within the Township.

Section 26-134. Prohibited Fireworks.

- (A) *Consumer fireworks.* A person shall not ignite, discharge or use consumer fireworks, except ~~between~~

~~the hours of 8:00 a.m. and 1:00 a.m. on the day preceding, the day of, or the day after a national holiday on the following days after 11 a.m.:~~

- ~~I. December 31 until 1 a.m. on January 1.~~
- ~~II. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.~~
- ~~III. June 29 to July 4 until 11:45 p.m. on each of those days.~~
- ~~IV. July 5, if that date is a Friday or Saturday, until 11:45 p.m.~~
- ~~V. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.~~

provided that a person shall not ignite, **discharge** or use consumer fireworks in violation of the Act and/or this article.

~~(B) *Low Impact and Novelty Fireworks.* Low impact or novelty fireworks may not be discharged between the hours of 11:00 p.m. and 7:00 a.m., or after dusk, whichever is earlier, and may not otherwise be discharged in violation of this article and/or the Act.~~

(C) *Illegal fireworks.* Any use, possession, or discharge of fireworks that is illegal and not approved by the State of Michigan or the State Fire Marshall is prohibited, regardless of how it is labeled.

Section Sec. 26-135. Minors.

(A) A minor shall not possess, use, discharge or ignite any consumer fireworks, at any time, nor on any day, ~~including national holidays, and the day before and day after a national holiday.~~

~~(B) A minor shall not use, discharge, or ignite any low impact fireworks or novelty fireworks, unless under the supervision of a parent or guardian, and the use, discharge and/or ignition is within permitted hours, and does not violate the provisions of this article and/or the Act.~~

Section 26-136. General Restrictions.

(A) Unless specifically authorized, on any day, the use, discharge or ignition of any fireworks, including consumer fireworks, is prohibited on public property.

~~(B) A person shall not ignite, discharge, or use any fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.~~

(C) Fireworks, including consumer fireworks, shall not be ignited within 20 feet of an open flame, a burner gasoline, ignited gas or electric grill, or in any enclosed structure, garage, tent, or shed. or under any canopy, or overhanging cover, of any nature.

~~(D) Excessive use of fireworks, including consumer fireworks, which results in the disruption of residents is prohibited, notwithstanding anything to the contrary in the Act. Excessive use is defined as conduct that includes the continuous or intermittent ignition of fireworks continuing for more than 20 minutes.~~

(E) No person shall either individually or in concert with another person, cause damage to any private or public property by the use, discharge or ignition of any fireworks.

(F) No consumer fireworks may be ignited, launched or discharged within 200 feet of a residential building or vehicle or natural waterway.

Section 26-137. Applicability of General Ordinances

Nothing in this article or in the Act shall preclude the enforcement of ordinances prohibiting conduct that is secondary or incidental to the use, discharge, or ignition of fireworks.

Section 26-138. Zoning Ordinances.

Any person selling, distributing or transporting fireworks shall otherwise comply with the Act, and is required to comply with the zoning ordinances of the Township, including obtaining necessary approvals **there** under. Failure to obtain necessary zoning approvals is subject to penalty as provided in the code of zoning ordinances of the Township.

Section 26-139. Imminent Dangers.

Notwithstanding the Act, any use, discharge or ignition of fireworks that is presenting an imminent danger or threat to the public health, safety, or welfare, as deemed by the Fire Chief, Police Officer, or designated Township Official shall be prohibited and the fireworks may be immediately seized.

Section 26-140. Seizure.

All fireworks used, discharged, or ignited in violation of the Act and/or this article are subject to seizure. Any costs incurred by the Township to seize and store the fireworks shall be paid by the responsible party.

Section 26-141. Display fireworks.

No display fireworks shall be used, discharged, ignited or displayed unless approved by Township Board of Trustees, upon application made to the Township Clerk providing proof that the display and applicant are adequately insured and bonded to the satisfaction of the Township Board of Trustees. the applicant has submitted a security plan, safety compliance plans, and an application fee in the minimum amount of \$100.00, plus any additional costs incurred by the Township to administer the permit. A permit for display fireworks is supplemental to any other requirement for such display under the Township's ordinances.

Section 26-142. Penalty.

- (A) A violation of this article **is** a civil infraction, punishable by a minimum fine of \$150.00, up to a fine of \$500.00, plus the costs of prosecution.
- (B) Following final disposition of a finding of responsibility for violating this article, the Township may dispose of or destroy any fireworks retained as evidence in the prosecution.
- (C) In addition to any other penalty, a person that is found responsible for a violation of this article shall be required to reimburse the Township for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated by the Township in accordance with this article.

Section 26-143. Severability

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is 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 remaining portions of the ordinance, it being the intent of the Township that this ordinance shall be fully severable. Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

(Ord of 2/4/2014 revision date)

Section 26-~~131~~ 144—26-150. Reserved.

Division 2. NOISE*

***State Law References:** Motor vehicle noise, MCL 257.707 et seq.

Section 26-151. Determination of violation.

The determination of whether any noise or disturbance is a violation of the provisions of this division shall be in the ~~absolute~~ discretion of a ~~the superintendent code enforcement or police officer~~ of the township. ~~, or his agent, subject to review of 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 will conduct a hearing at its next regular meeting.~~

(Ord. No. 9, 2.01(4) ~~revision date~~)

Section 26-152. Unreasonable noise prohibited.

No person shall cause or create any unreasonable or improper noise or disturbance injurious to the health, peace or quiet of the residents and property owners of the township.

(Ord. No. 9, 2.01(1))

Section 26-153. Specific noises prohibited.

The following noises and disturbances are hereby declared to be a violation of this division; provided, however, that the specification of such noises is not thereby to be construed to exclude other violations of this division not specifically enumerated:

- (A) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle for any purpose other than to avoid an accident or collision.
- (B) The playing of any radio, phonograph or musical instrument in such a manner or with such violence as to annoy or disturb the quiet, comfort or repose of other persons.
- (C) Yelling, shouting, hooting or singing on the public streets between the hours of **11:00** p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
- (D) The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort and repose of any person in the vicinity.
- (E) The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or so constructed as to cause loud and unnecessary grating, grinding, rattling, exhausting, or other noise disturbing to the quiet, comfort or repose of other persons.
- (F) The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger, or for other purposes upon special permit therefor from the township board.
- (G) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting therefrom.
- (H) The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the township, including the streets and highways therein, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 6:00 a.m. and sundown on weekdays, except in cases of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefor from the township building official, which permit shall limit the period that the activity may continue.
- (I) The emission or creation of any excessive noise on any street which unreasonably interferes with the operation of any school, church, hospital or court.
- (J) The creation of any loud or excessive noise, unreasonably disturbing to other persons in the vicinity, in connection with the loading or unloading of any vehicle, trailer, boxcar, or other carrier, or in connection with the opening or destruction of bales, boxes, crates, or other containers.

- (K) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.

(Ord. No. 9, 2.01(2))

Section 26-154. Exemptions.

None of the prohibitions enumerated in this division shall apply to any of the following:

- (A) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- (B) Excavation or repair of bridges, streets or highways by or on behalf of the township, between the hours of 6:00 p.m. and 7:00 a.m., when the public welfare, safety and convenience render it impossible to perform such work during other hours.

(Ord. No. 9, 2.01(3))