

ORDINANCE NO. 2

NUISANCE AND JUNK ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE EXERCISE OF CERTAIN MUNICIPAL POWERS OF THE TOWNSHIP OF MACON TO PROMOTE THE HEALTH, SAFETY, AND WELFARE OF PERSONS AND PROPERTY IN THE TOWNSHIP AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF.

THE TOWNSHIP OF MACON HEREBY ORDAINS:

ARTICLE I NUISANCE DEFINED AND PROHIBITED

Whatever injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway or stream; or in any way renders the public insecure in life and property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by a provision by this Ordinance. No person shall commit, create or maintaining any public nuisance.

ARTICLE II LITTERING AND ACCUMULATION OF GARBAGE, RUBBISH, AND OTHER MATERIAL ---

No person shall place, deposit, throw, scatter or leave in any street, alley or public place, or on the private property of another, any refuse, waste, garbage, dead animal, rubbish, wash water or other noxious or unsightly material which interferes with the operation and use of motor vehicles in streets, alleys or public places. It shall be the duty of every occupant of property and the owner of unoccupied property at all times to maintain the premises occupied or owned by him, in a clean and orderly condition, permitting no deposit or accumulation of garbage or rubbish upon such premises, unless stored or accumulated as hereinafter provided. It shall be the duty of every occupant of property and the owner of unoccupied property to place any rubbish and/or garbage accumulated or stored outside of a dwelling or building of any premises in containers which shall be placed at the rear or side of buildings in a place which is reasonable inconspicuous and away from street and places occupied by other persons. Such containers, when used for the storage or accumulation of garbage or rubbish which is contaminated by garbage shall be constructed of nonabsorbent materials, shall be kept in a clean and sanitary condition and shall be covered. Such containers used for the accumulation and storage of rubbish shall be covered if there is a likelihood that rubbish will be carried therefrom by wind or other natural causes. Garbage and rubbish accumulated as aforesaid must be disposed of within a reasonable period of time in a manner not inconsistent with the provisions of this Ordinance.

A. ARTICLE III GRASS AND NOXIOUS WEEDS

It is unlawful for the owner, occupant, or any person in charge of any lot or parcel of land within the township to allow rag weed, Canada Thistles, burdocks, crab grass, quack grass, wild growing bushes, milk weeds, wild carrots, oxeyes, daisies or any other noxious weeds to grow on that lot or parcel of land. Presence of such vegetation upon any lot or parcel of land within the township is a public nuisance and is adverse to public health, safety, and welfare.

Notwithstanding the prohibition in subsection A, any person who cuts, removes, or destroys such vegetation at least once every three weeks between May 15 and September 15 of each year shall be deemed to be in compliance with this Section.

Grass areas of all properties in the township must be maintained by the owner and/or occupant at a maximum height of eight (8) inches or less.

The following are exceptions to the grass height requirements of subsection B:

- The area in violation is actively used as agricultural land; or,
- The area in violation is a wetland as that term is defined in the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, being MCL 324.101, et seq., as am

ARTICLE IV ABANDONED OR INOPERABLE MOTOR VEHICLES AND APPLIANCES

It shall be the duty of the occupant of every premises and the owner of unoccupied premises to keep dismantled, partially dismantled or inoperative motor vehicles or appliances which shall be stored, placed or permitted to be stored or placed on premises owned or occupied by him, in a wholly enclosed garage or other wholly enclosed structure. Provided, however, that the owner of such motor vehicles or appliances may store on the premises of which he is owner, co-owner, or tenant, any such vehicles that are properly licensed that are not deemed excessive in number. Provided further, that the occupant of every premises and the owner of unoccupied premises shall not leave in any place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an air tight door, or lock which may not be released or opened from the inside of said icebox or refrigerator or container unless the said lock or door has been removed therefrom.

ARTICLE V DEFINITIONS

Unless the context indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (1) "Appliance" shall mean any mechanism which is operated by gas, electric current or motor, including, but not limited to, an ice box, refrigerator, or stove.
- (2) "Garbage" shall mean all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products, and shall include all such substances from all public and private establishments and from all residences.
- (3) "Motor Vehicles" are hereby defined as any wheeled vehicles which are self-propelled or intended to be self-propelled. "Inoperable Motor Vehicles" are defined as motor vehicles which by reason of dismantling, lack of repair, or other cause are incapable of being propelled under their own power. "Dismantled or Partially Dismantled Motor Vehicles" are defined as motor vehicles from which some part or parts which are ordinarily a component of such motor vehicle has been removed or is missing.
- (4) "Rubbish" shall mean dirt, leaves, grass trimming, tin cans, wastepaper, ashes, straw, shavings, junk and in general, non-putrescible wastes, normally incident to the lawful use of the premises on which accumulated.

ARTICLE VI PENALTY

Every person convicted of a violation of any provision of this Ordinance or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than One Hundred (\$100.00) Dollars and costs of prosecution or imprisonment for not more than Ninety (90) days or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall contribute a separate offense.

ARTICLE VII SEVERABILITY

If any court of law of equity within the State of Michigan determines that any provision within this Ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same Section and other Sections of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision

ARTICLE VIII ENFORCEABILITY OR MANDATORY INJUNCTION

As a cumulative remedy to Section 6 above entitled PENALTY any person who violates any provision of this Ordinance or any rule or regulation adopted or issued in pursuance thereof, may be made a Party Defendant in a suit in the Circuit Court for the County of Lenawee; the imposition of any such sentence shall not exempt the offender from compliance with the Ordinance.