

**JORDAN TOWNSHIP
NUISANCE ORDINANCE
Ordinance No. 1 of 2023**

AN ORDINANCE TO PROHIBIT NUISANCES WITHIN JORDAN TOWNSHIP TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

THE TOWNSHIP OF JORDAN ORDAINS:

Section 1. Purpose.

It is hereby found and declared that the purposes of this Ordinance are to eliminate public nuisances within all areas of Jordan Township for the protection of the health, safety, morals and general welfare of its residents; to preserve existing values of other properties within or adjacent to such areas and all other areas of the Township; and to preserve the taxable value of the property within such areas and all other areas of the Township.

Section 2. Definitions. As used in this Ordinance,

"All terrain vehicle" or "ATV" means any motor vehicle designed for off-road use, including but not limited to mopeds; scooters; off-road motorcycles (dirt bikes); dune buggies; golf carts; side by side utility vehicles; and three, four, or six wheeled vehicles designed for off-road use that have low-pressure tires, have seats designed to be straddled by the rider, and are powered by a gasoline engine or an engine using other fuels or batteries.

"Boat" means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft and nonmotorized boats such as a canoes, rowboats, and sailboats. Boat, however, does not include an air mattress, paddleboard, boogie board, or similar device used by one (1) or two (2) persons for floating or paddling.

"Building materials" mean lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, windows and window frames, molding, insulation, tyvec or any other materials used in construction of any structure.

"Dismantled" means the state of having a part or parts removed or missing that are integral to the operation of or required by any law or regulation to be present on a motor vehicle, boat, or other item to which it is normally attached.

"Dock" means a pier, platform, or other structure extending from the shore or a lake or river over the water to which a boat is moored.

"Fence" means a man-made structure that effectively screens dismantled or inoperable ATVs, boats, marine equipment, motor vehicles, recreational vehicles, snowmobiles,

and trailers; building materials; garbage; junk; and rubbish from the view of adjoining properties and public or private roads.

"Garbage" means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables. "Garbage" does not include one (1) compost pile consisting of decaying organic substances intended for fertilizing land; provided, however, that the compost pile is no larger than five feet (5') square and is located on the property so that it cannot be seen from any public highway or seen from any adjoining land owned by another person.

"Hoist" means a mechanical device attached permanently or temporarily to the bottomland of a lake or river and used to raise or lift a boat out of the water for the purpose of preventing or restricting the motion of the boat.

"Inoperable" means incapable of being used for the purpose or purposes for which an item is designed or normally used, either physically or by operation of law, due to dismantling, disrepair, or the lack of a currently valid Michigan license or registration. In addition, the following items shall be deemed inoperable: any motor vehicle, all terrain vehicle, self-propelled recreational vehicle, or snowmobile which lacks functioning tires or treads that permit self-propelled motion and any boat with a hole or holes in its hull.

"Junk" means items or objects that are old, discarded, or not currently being used for the purpose or purposes for which they are designed or normally used, including but not limited to used or salvaged metals and their compounds or combination; used or salvaged rope; rubber; rotting wood; scrap iron; tires and snowmobile treads; parts for motor vehicles, boats, all terrain vehicles, recreational vehicles, snowmobiles, and/or trailers; inoperable or dismantled refrigerators, stoves, dishwashers, dryers, washing machines, and furniture; and inoperable or dismantled lawn mowers, weed trimmers, snow blowers, snow plows, tractors, and any other machinery used for excavation, maintenance, or snow removal.

"Liquid industrial wastes" means any liquid brine, by-product, industrial wastewater, leachate, off-specification commercial product, sludge, grease-trap clean-out residue, used oil, or other liquid waste produced by, incident to or resulting from industrial or commercial activity, except any liquid brine normally used in oil or gas extraction on a site permitted by the Michigan Supervisor of Wells.

"Marine equipment" means any item used or intended for use in conjunction with boats or water related activities, including but not limited to swimming rafts, docks, hoists, dock supports, buoys, outboard motors, oars, boat trailers, sails, rope, masts, anchors, and any other stationary or movable structure intended to support a boat.

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled.

"Ordinance Enforcement Officer" means the individual appointed by the Township Board to enforce this Ordinance.

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Recreational Vehicle" means any motor vehicle or trailer capable of being self-propelled or towed that is equipped with living space, sleeping quarters, and associated amenities, including but not limited to motor homes, fifth wheel trailers, pop-up campers, caravans, camper vans, travel trailers, and truck campers.

"Rubbish" means hazardous or non-hazardous, non-putrescible solid wastes, including but not limited to combustible waste such as paper, cardboard, brush, bags, rags, and litter of any kind and non-combustible waste such as metal containers, glass, bedding, crockery, and demolished items, objects, or materials of any kind.

"Sealed container" means a covered, closable container which is fly-proof and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.

"Snowmobile" means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, being Act No. 300 of the Public Acts of 1949.

"Totally enclosed structure" means a building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor and walls or closable doors around its perimeter.

"Trailer" means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid Michigan registration to be lawfully operated on a public highway.

"Vermin" means a noxious or objectionable animal, including but not limited to a mouse, rat, chipmunk, squirrel, skunk, racoon, or porcupine.

Section 3. Nuisances. The following are hereby declared to be nuisances:

- A. The keeping or storage of building materials outside on private property six (6) months after an occupancy permit is issued by the Antrim County Building Department, unless screened by a fence. This subsection, however, shall not apply to building materials kept or stored outside on private property if the building material is kept or stored in an orderly fashion. As used in this subsection, the phrase "building material kept or stored in an orderly fashion" shall mean that all building material of the same type, including but not limited to lumber (both stick and sheet wood), cement blocks, bricks, roofing material, and siding shall be kept or stored together and not kept or stored intermingled with building material of a different type and shall be stacked in an organized fashion customary for that type of building material. By way of example and not limitation, stick lumber shall be piled with all sticks substantially parallel to one

another, sheet wood shall be piled one on top of another with the area of one sheet covering as much as possible the area of the sheet beneath it, cement blocks and bricks shall be stacked in the shape of a cube in such a manner that they will not fall off the stack, and siding shall be piled with each piece substantially parallel to one another.

- B. The keeping or storage of ashes, junk, garbage or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for the purpose of holding such ashes, junk, garbage, or rubbish and except when screened by a fence.
- C. The placing of ashes, junk, garbage or rubbish on private property without the owner's permission or on public property. This provision applies regardless of whether the ashes, junk, garbage or rubbish is in a sealed container.
- D. The keeping or storage of ashes, junk, garbage or rubbish on private property, including inside a building or when screened by a fence, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source or habitation of insects or vermin.
- E. The intentional depositing of liquid petroleum crude oil, liquid petroleum crude oil by-products and derivatives or liquid industrial wastes on the ground.
- F. The existence of any structure or damaged partial structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling, nor currently useful for any other purposes for which it may have been intended.
- G. The existence of any vacant building, garage, house or outbuilding unless such structure is kept secure from entry by the public.
- H. The keeping of any inoperable or dismantled icebox, refrigerator or similar airtight container having a door or access with a magnetic seal, snap latch or other locking device, in a place accessible by children without first removing the magnetic seal, snap latch or locking device or doors, or securely locking same.
- I. Except as provided in subsections 1 - 2 below, the keeping or storage of inoperable or dismantled motor vehicles, boats, all terrain vehicles, recreational vehicles, snowmobiles, and/or trailers outside of a totally enclosed structure on private property or when not screened by a fence.
 - 1. An inoperable or dismantled motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer may be kept outside of a totally enclosed structure on private property or when not screened by a fence for no more than thirty (30) days for the purpose of being repaired or awaiting repairs. This subsection shall apply to individuals making the repairs and to gas and service stations engaged in the business of making repairs.

2. An inoperable or dismantled motor vehicle, boat, all terrain vehicle, recreational vehicle, snowmobile, and/or trailer may be kept outside of a totally enclosed structure on private property or when not screen by a fence for no more than fifteen (15) days for the purpose of being marketed for sale.
- J. The keeping or storage of inoperable or dismantled marine equipment outside of a totally enclosed structure on private property or when not screened by a fence.

Section 4. Inspections.

Township representatives shall have the duty and the right to inspect property or buildings to determine violations of or compliance with this Ordinance. Township representatives may exercise this right of inspection by consent of the person having the possession of the property or building or by an administrative search warrant issued by a court of competent jurisdiction.

Section 5. Prohibition.

No person shall commit, create, or maintain any nuisance. No person shall knowingly permit the existence of a nuisance on the property owned or possessed by such person.

Section 6. Industrial Usage.

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

Section 7. Penalty.

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

Section 8. Enforcement Officers.

The Township Ordinance Enforcement Officer, Township Supervisor, and other individuals appointed by the Township Board are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 9. Separate Court Action, Nuisance Per Se.

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

Section 10. Abatement by Township.

If a Court of competent jurisdiction finds the owner or occupant of property is in violation of this Ordinance, the Court, in addition to ordering the owner or occupant to eliminate the nuisance may authorize the Township to enter the property to abate the nuisance conditions.

Section 11. Cost Recovery; Lien.

- A. The costs incurred by the Township in abating the nuisance conditions, including reasonable attorney fees, shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.
- B. The owner or party in interest in whose name the property appears upon the last local tax assessment roll shall be notified by the assessor of the amount of the costs incurred by the Township in abating the nuisance conditions, including reasonable attorney fees, by first-class mail at the address shown on the records. If the owner or party in interest fails to pay the costs within thirty (30) days after mailing by the assessor of the notice of the amount of the costs, the Township shall have a lien for the costs incurred by the Township to bring the property into compliance with this Ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. The lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the state General Property Tax Act.

Section 12. Repeal.

The Jordan Township Antiblright Ordinance, being Ordinance No. 1 of 2018, is hereby repealed in its entirety.

Section 13. Validity.

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

Section 14. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the township.

Ordinance No. 1 was adopted on the 23rd day of October, 2023, by the Jordan Township Board as follows:

Motion by: Timothy Morris

Seconded by: Steve Houtman

Yeas: Tim Morris, Elizabeth Crawford, Rebekah Meads, Darla Pawson + Steve Houtman.

Nays: Ø

Absent: Ø

Elizabeth Crawford
Elizabeth Crawford, Clerk

Tim Morris
Tim Morris, Supervisor

I certify that this is a true copy of Ordinance No. 1 that was adopted at a regular meeting of the Jordan Township Board on October 23rd, 2023 and published in the Antrim Review on November 2nd, 2023.

Dated: 10/23/2023

Elizabeth Crawford
Elizabeth Crawford, Clerk