

35.000

**NUISANCE ORDINANCE
TOWNSHIP OF WATERVLIIET, MICHIGAN
Ord. No. 37 eff. Dec 13, 1965**

An Ordinance to prevent the creation and maintenance of nuisances; to preserve the public health, provide fire protection, to protect public safety, to preserve and protect property values, to eliminate blight and neighborhood deterioration, to protect public morals and decency, to promote good government, general welfare and the comfort and repose of the public by regulating matters pertaining to nuisances.

THE TOWNSHIP OF WATERVLIIET, BERRIEN COUNTY, MICHIGAN, ORDAINS:

35.001

Sec. I. **NUISANCES DEFINED AND PROHIBITED**

- A. **NUISANCES DEFINED.** A nuisance shall be deemed whatever annoys, injures or endangers the safety, health, comfort, repose or tranquility of the public; offends public decency; interferes with or obstructs and renders dangerous any street, highway, lake or stream; or in any way renders the public insecure in life or property.
- B. **NUISANCES PROHIBITED.** It is hereby declared to be unlawful for any owner, land contract vendee or occupant of any premises to maintain a public nuisance on either public or private property anywhere in the Township of Watervliet. The Township Board of Watervliet Township and the duly authorized attorney for the township, may, in the name of the Township, prosecute violators under the provisions of this Ordinance, and/or obtain an order for the abatement of such nuisances or proceed in any court of competent jurisdiction for injunction, mandamus, abatement or take any other appropriate action for the enforcement of the provisions of this section. The following acts, equipment, apparatus and structures are hereby declared to be a nuisance per se, however, this enumeration shall not be deemed to be exclusive:
- (a) **Barking Dogs – Unnecessary Noises.** It shall be unlawful to permit in the Township of Watervliet any dog to continue any loud, incessant and unnecessary barking or keep any animal or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity; the making or causing of such disturbance or any other loud, unusual and unnecessary noise is declared to be a public nuisance.
- (b) **Storing Abandoned Vehicles.** The storing or parking of any motor vehicle, body or chassis of a motor vehicle, not bearing a currently valid motor vehicle license registration plate, in any district is hereby declared to be a nuisance and prohibited, unless such vehicle, body or chassis is enclosed in a building, so as not to be visible from surrounding property, and the owner or occupant of any property upon which such storage or parking exists shall be deemed to have permitted the same. Provided, however, that such vehicles may be kept in commercial zones on the lots of dealers regularly engaged in the sale of new or used vehicles, and may also be

stored for a reasonable time in such zone by those places of business regularly engaged in body and vehicle repairs.

- (c) **Owners and Occupants Responsible for Premises Being Kept Clean.** All owners, land contract vendees or persons who manage, lease, rent or occupy any premises whatsoever shall be equally responsible for keeping said premises in a clean and habitable condition and shall take all necessary precautions to prevent any nuisance as herein declared, or condition detrimental to public health from arising thereon, and particularly to take all reasonable precautions to prevent the throwing, placing, depositing or leaving on any street, highway, alley, public place, or on any private place or premises any garbage, refuse, papers, tin cans, bottles, glass, rubbish, ashes, junk, inoperable machinery, or abandoned household goods or effects, where such throwing, placing or depositing is likely to be dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects or rodents.
- (d) **Littering of Streets, Parks and Playgrounds.** The littering of public streets, alleys, roadways, parking areas, playgrounds, school and church yards, cemeteries, parks, beaches, camping areas or other public places is hereby expressly prohibited. No person shall throw, place, deposit or leave any garbage, refuse, papers, tin cans, bottles, glass, rubbish, ashes, junk, inoperable machinery or abandoned household goods or effects in any of the aforementioned places or in any public place, except in a duly designated public dumping ground or in trash containers expressly provided for that purpose.
- (e) **Smoke, Soot, Cinders, Noxious Acids, Fumes, Fly-Ash, and Gases Prohibited.** No person, firm or corporation shall permit or cause the escape of such quantities of smoke, soot, cinders, noxious acids, fly-ash, fumes and gases in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public or in such manner as to cause or have a tendency to cause injury or damage to property or business.
- (f) **Blocking of Street or Sidewalks.** Any use of the public streets or sidewalks, without first obtaining a permit for such purpose from the Township Board, which causes large crowds to gather or obstructs the free use of the streets or sidewalks is prohibited.
- (g) **Dangerous or Damaged Structures, Excavations, Stagnant Ponds or Pools of Water.** All buildings, walls and other structures which have been damaged by fire, decay or otherwise, all excavations remaining unfilled or uncovered for a period of thirty (30) days or longer and all ponds and pools of stagnant water which are situated so as to endanger the safety of the public and to attract or endanger children are deemed to be a public nuisance.
- (h) **Open Storage.** The open storage of building materials, supplies, construction machinery and equipment of any kind or sort whatsoever on any occupied or unoccupied lot in a residential zone is prohibited, except as may be permitted during a specified construction period as shown by a valid and existing building permit given for the erection, alteration or repair of a building on the site where

such materials and equipment are stored. The open storage of goods, supplies, furnishings, furniture (except lawn or patio furniture during the season), household equipment or household goods and effects of whatever kind is also expressly prohibited on any occupied or unoccupied lot in the residential zone.

- (i) **Unfinished Buildings or Structures.** It shall be unlawful to permit any unfinished building or structure for which a certificate of occupancy and compliance has not been given wherein construction, alteration or repair was begun under a valid building permit, or where such construction, alteration or repair was begun in an unauthorized manner or where such structures were begun before the enactment of this Ordinance or were moved upon the premises to stand unfinished and uncompleted where such use shall constitute a menace to public health and safety or create an unreasonable detraction from the quality of the neighborhood so as to result in blight, deterioration and the depressing of property values in the district. After written notice that such a violation exists is given to the person who is the owner of record or land contract vendee of such property, such owner shall within thirty (30) days begin completion of construction or undertake the completion of repairs to such unfinished structure or raze the structure and clear and clean up the site, and proceed to the final abatement of such use within a reasonable time. Compliance with all existing building codes and sanitary requirements of Watervliet Township, sanitary regulations of Berrien County, and applicable State regulations are a prerequisite to the completion or restoration of any building under this section.

- (j) **Owner to Keep Building in Habitable Condition.** Every building, dwelling or structure, including garages and outbuildings, shall be kept by the owner, land contract vendee or occupant thereof in a clean, neat, sanitary, structurally sound, usable and habitable condition in order to prevent the premises from becoming a nuisance. It shall be unlawful for any such owner, land contract vendee or occupant to allow a building to become abandoned and dilapidated or permit weeds or other noxious vegetation to grow, and trash, rubbish or refuse to accumulate on the property. Such owner or occupant shall be responsible for maintaining suitable and safe means of ingress or egress, for preventing fire hazards, for adequate sanitary facilities on the premises, for preventing over-crowding and for providing proper ventilation and light. Whenever any such dwelling shall be deemed uninhabitable or unusable by the Township Building Inspector, the Township Health Officer, the Township Fire Chief, the Berrien County Sanitarium or any or all such public officials, it shall thereupon be deemed a public nuisance and it shall thereafter be unlawful for any person to use or occupy the premises until put into a safe, structurally sound, sanitary, habitable and usable condition. After written notice that such violation exists is given to the owner of record, land contract vendee, or occupant of such property, such owner shall within thirty (30) days thereof, restore, and repair such structure so that it complies with the requirements of all existing building codes and sanitary regulations of Watervliet Township, applicable sanitary regulations of Berrien County, and all State laws and regulations relating to fire protection, safety and sanitation; or raze the structure and clear and clean up the site, and proceed to the final abatement of such use within a reasonable time.

- (k) **Vacant Commercial Building – Duty to Maintain.** The owner or other person legally responsible shall have the duty to maintain any empty, unused, or unrented commercial or industrial buildings in a neat, clean and structurally sound manner to prevent the premises from becoming a nuisance; such vacant buildings shall have all windows glazed or neatly boarded up and shall be kept securely locked at all times. It shall be the owner’s responsibility to keep the building free from all signs and posters not specifically authorized by such owner.

- (l) **Other Nuisances.** All other acts, equipment, apparatus or structures that may be deemed to be a nuisance by virtue of interference with public health, safety, morals and general welfare; or shall disturb the peace, comfort or tranquility of any person or the public; or interfere with the use, enjoyment and benefit of property so as to depress property values and result in blight and deterioration; or interfere with the normal conduct of business, shall be deemed a public nuisance. The abatement of all such nuisances may be ordered as hereinbefore provided.
(ord. no. 37 eff. Dec. 13, 1965) (Revised Nov. 19, 2001, Effective Nov. 19, 2001)

35.002

Sec. 2. **PENALTIES FOR VIOLATION**

- A. **PENALTIES.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, punished by a fine of not to exceed One Hundred Dollars (\$100) and the costs of prosecution; or in default of payment thereof by imprisonment in the County Jail for not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the Court. Each day that a violation of this Ordinance is permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this ordinance.

- B. **OTHER PROCEDURES.** The Township of Watervliet and the duly authorized Attorney for the Township, or any owners of property affected by a public nuisance may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, or abate any unlawful nuisance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law. (ord. no. 37 eff. Dec. 13, 1965)

35.003

Sec. 3. **REPEAL OF CONFLICTING ORDINANCES**

All other Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed except those that are held to be more restrictive.
(ord. No. 37 eff. Dec. 13, 1965)

35.004

Sec 4. **VALIDITY**

This Ordinance and the various parts, sections, sub-sections, phrases and clauses are hereby declared to be severable. If any such part, section or sub-section is declared unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.
(ord. no. 37 eff. Dec. 13, 1965)

35.005

Sec. 5 **EFFECTIVE DATE**

This Ordinance was adopted on the 8th day of November, 1965 and shall become effective thereafter on the 13th day of December, 1965. (ord. No. 37 eff. Dec. 13, 1965)