

**SOO TOWNSHIP
NUISANCE ORDINANCE
Ordinance No. 1 of 2001**

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

SOO TOWNSHIP ORDAINS:

Section 1 - Definitions

As used in this Ordinance the following terms shall have the meanings prescribed in this section.

- A. "Building materials" includes but is not limited to lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in construction of any structure.
- B. "Exotic animal" means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property.
- C. "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.
- D. "Harbor or harboring" means providing food and/or shelter to any animal for any period of time in excess of twelve (12) hours or being in charge or control of any animal under any written or verbal agreement with the animal's owner.
- E. "Junk" - By way of example and not limitation the term shall include used or salvaged metals and their compounds or combination, used or salvaged rope, rubber, tires or car parts.
- F. "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 or stored in regard to oil or gas extraction on a site permitted by the Michigan Supervisor of Wells.

- G. "Owner of a dog" means any person or persons owning or harboring a dog. Any person who harbors a dog on or about property owned or occupied by that person for a period of five (5) days shall be deemed the owner of such animal.
- H. "Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- I. "Rubbish" means nonputrescible solid wastes including ashes, paper, cardboard, metal containers, glass, bedding, crockery, bags, rags, and demolished materials.
- J. "Sealed container" means a covered, closable container which is rodent-proof, fly-proof and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.
- K. "Totally closed 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.

Section 2 - 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 Chippewa County Building Department. 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.
- 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 junk, garbage or rubbish on private property, including inside a building, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source or habitation of insects, rodents or vermin.
- E. 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 vacant building, garage, house or outbuilding unless such structure is kept secure from entry by the public.
- G. The distributing, placing, posting, or affixing of posters, notices, or handbills on private property without consent of the owner or occupant except as authorized or required by law.
- H. The outdoor burning of building materials, garbage, junk, or rubbish either on the ground or in a burn barrel.
- I. Being the owner of a dog, to permit or to allow another person to permit his or her dog to do any of the following:
 - 1. To run at large within the Township.
 - 2. To trespass upon another person's real property or to in any manner injure or destroy any real or personal property belonging to another person, including but not limited to breaking or tearing open any garbage bag containing garbage or rubbish awaiting pickup or otherwise spreading garbage or rubbish on another person's property.
 - 3. To create malodorous or offensive waste conditions on the owner's property outside of a totally enclosed structure or anywhere on the property of another person; or
 - 4. To whine, yelp, bark, howl or make other sounds common to its species such that said noise can be heard by any person from an adjoining lot line or from the right-of-way of any adjoining public street between the hours of 12:00 AM (midnight) and 5:00 AM or at any time in a habitual manner. For purposes of this subsection, "habitual" means whining, yelping, barking, howling, or making other sounds common to its species on three (3) or more occasions separated by at least one (1) hour within a one (1) week period.
- J. The harboring of any exotic animal within the Township.

Section 3 - 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 4 - 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 5 - Penalty/Civil Infraction

Any person who shall violate 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. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

Section 6 - Enforcement

The Township Supervisor or other official designated by the Township Board is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 7 - Abatement by Township

If the owner or possessor of any property on which a nuisance exists fails to eliminate a nuisance after having received Notice from the Township of the existence of the nuisance, the Township Supervisor, after receiving authorization by the Township Board, may take such steps as are necessary to abate or eliminate the nuisance. The Notice shall describe the location of the property, describe the nature of the nuisance and give ten (10) days in which the owner or possessor may eliminate the nuisance without intervention by the Township. The written Notice may be served personally or may be sent by first-class mail to the last known address of the owner or occupier of the premises. The time period shall commence on the date of the personal service or in the case of mailing service shall be deemed to have taken place on the date of mailing.

The cost of elimination of the nuisance by the Township, including reasonable attorney fees, may be collected in a lawsuit against the owner and/or possessor of the property on which the nuisance existed and/or against the person who committed, created, or maintained the nuisance.

Section 8 - 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.

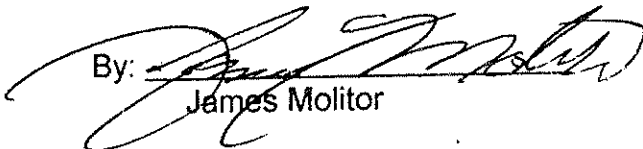
Section 9 - Separate Court Action

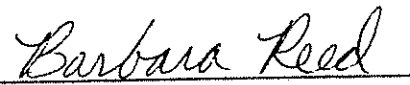
Nothing in this Ordinance shall prohibit the Township or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance. A violation of this Ordinance is deemed to be a nuisance per se.

Section 10 - Effective Date

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

SOO TOWNSHIP

By: 
James Molitor
Its: Supervisor

By: 
Barbara Reed
Its: Clerk

ORDINANCE CERTIFICATION

At a regular meeting of the Soo Township Board, Chippewa County, Michigan, held in the Soo Township Hall, located at 639 Three and One-half Mile Road, Sault Ste. Marie, Michigan, on July 11, 2001, at 7:30 P.M.

PRESENT: Molitor, Perron, Reed, Osborn

ABSENT: Thoresen

It was moved by Molitor and supported by Perron that the following Ordinance be adopted:

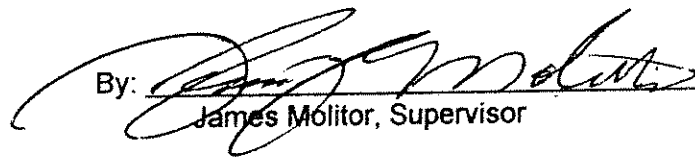
(See attached SOO TOWNSHIP ORDINANCE)

YES: Perron, Osborn, Molitor, Reed

NO: _____

ORDINANCE DECLARED ADOPTED.

SOO TOWNSHIP

By:  _____
James Molitor, Supervisor

I, the undersigned, the Clerk of the Township of Soo, Chippewa County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Soo Township Board of said County at its regular meeting held on _____, 2001, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the _____ on _____, 2001 and was filed with the County Clerk on _____, 2001.

Dated: _____
Barbara Reed, Clerk

Note: The Ordinance and this Ordinance Certification should be filed with the County Clerk within one (1) week of publication and the Ordinance should be placed in the Township Ordinance Book.