

## **CHAPTER 34 NUISANCES**

### **34.01 NUISANCE DEFINED AND PROHIBITED.**

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this subchapter. No person shall commit, create or maintain any nuisance.  
(Prior Code, § 40.051) (Ord. 21, passed 1-15-1975)

### **34.02 DANGEROUS STRUCTURES AND PREMISES.**

No person shall maintain any structure which is a menace to the health, morals or safety of the public. No person owning or occupying any premises shall permit any condition to exist thereon which endangers the public or safety.  
(Prior Code, § 40.052) (Ord. 21, passed 1-15-1975)

### **34.03 EMERGENCY ABATEMENT OF DANGEROUS STRUCTURES AND PREMISES.**

The Township Supervisor or Building Officer may abate any public nuisance, if the public safety or health requires immediate action, without preliminary order of the Township Board. Thereafter, the cost of abating the nuisance shall be charged against the premises and the owner thereof.  
(Prior Code, § 40.053) (Ord. 21, passed 1-15-1975)

### **34.04 LITTERING OF STREETS; PROHIBITED.**

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, wash water or other noxious or unsightly material.  
(Prior Code, § 40.054) (Ord. 21, passed 1-15-1975)

### **34.05 NOISE CONTROL; GENERALLY.**

It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing, unusual or unnecessary noise, which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the township.  
(Prior Code, § 40.055) (Ord. 21, passed 1-15-1975)

### **34.06 SPECIFIC NOISES PROHIBITED.**

Each of the following acts is hereby declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:

(A) The sounding, or permitting to be sounded, of any signal device on any automobile, motorcycle, bus, snowmobile or other vehicle while the vehicle is not in motion, except as a danger signal, if another vehicle is approaching apparently out of control, or while vehicle is in motion, except when a signal is necessary to insure the safety, and then only to the extent that signal is

reasonably necessary for that purpose; the use of any like vehicle upon a public street when the vehicle is so out of repair or has defective, insufficient, inadequate, damaged, altered or broken parts, equipment or when the vehicle has sustained mechanical or other defects as to create loud or unnecessary grating, grinding, rattling or other disturbing noises; the sounding of a horn or signal device for purposes of repair or testing, except within a suitably enclosed building and then only under circumstances which are such that the sounding of the horn or other signal device cannot be a nuisance to others; the creation by means of the signal devices of any unreasonable loud or harsh sound; the sounding of the devices for an unnecessary and unreasonable period of time; the use of any vehicle upon a public street when the vehicle is so out of repair, or is so loaded, or when it has sustained the mechanical or other defects as to create loud, or unnecessary grating, grinding, rattling or other disturbing noises;

(B) The playing of any radio, tape recording, television or musical instrument of any character in such a manner or with a volume, at any time or place as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any person in the vicinity;

(C) The keeping of any animal or bird which by frequent or loud or long continued noise shall disturb the comfort and repose of any person in the vicinity;

(D) The discharge into open air of exhaust of any steam engine, compressed air machine, stationary internal combustion engine, motor vehicle or any other machine, except through a muffler or other device which will effectively prevent loud or explosive or disturbing noises therefrom;

(E) The creation of a loud unnecessary noise in connection with the loading or unloading of any vehicle or the opening and closing or destruction of bales, boxes, crates or other containers;

(F) Yelling, shouting, whistling, loud talking or singing on the public streets, particularly between the hours of 10:00 p.m. to 7:00 a.m. or at other time or place so as to annoy, or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or any other type of residence or of any persons in the vicinity;

(G) The use of any drums, loud speakers, musical devices or other instruments or devices for the purpose of attracting attention by the creation of noise to any performance, show or sale or display of merchandise;

(H) The use of mechanical loud speakers, amplifiers and public address systems on trucks or other vehicles for any purpose whatever, except when specific permit is first granted by the Township Supervisor;

(I) The blowing of any steam whistle attached to any stationary boiler or whistle operated by compressed air, except to give notice of the time to begin or stop work or as a warning of fire or danger, or except upon request by proper public authorities;

(J) The erection, excavation, demolition, alteration or repairing of any building in a residential or business district other than between the hours of 7:00 a.m. to 9:00 p.m. on weekdays, except in case of urgent necessity, in the interest of public safety and then only upon permission having been first obtained from the Township Supervisor;

(K) The carrying on or operation of any business, trade or occupation, located in a residential section of the township, between the hours of 10:00 p.m. and 7:00 a.m., which makes an unusual, loud, frequent or disturbing noise, causing a nuisance and disturbance to any person residing in the vicinity;

(L) The firing of firearms, firecrackers, air guns or other combustible substances for the purpose of making a noise or disturbance;

(M) The practicing and training of any drum corps, band, orchestra or other musical organization, or the practice by individuals on the various musical instruments, which produces a noise or disturbance, and which annoy the peace, repose and comfort of the residents in the vicinity thereof; and

(N) It shall be unlawful for any person, knowingly or wantonly, to operate or cause to be operated, any machine, device, apparatus or instrument of any kind whatsoever between the hours of 12:00 midnight and 6:00 a.m., the operation of which shall cause reasonably preventable electrical interference with radio or television reception in the township; provided, however, that x-ray pictures, examinations or treatments may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio and television reception and are not negligently operated. This section shall not be construed to embrace the regulation of any transmitting, broadcasting or receiving instrument, apparatus or device used in interstate commerce or the operation of which instrument, apparatus or device is licensed or authorized by or under the provisions of any Act of the Congress of the United States.  
(Prior Code, § 40.056) (Ord. 21, passed 1-15-1975)

(O) The idling of any truck, semi-truck, or other commercial vehicle, or construction equipment for more than five minutes between the hours of 11:00 p.m. and 7:00 a.m. This prohibition shall not apply within a rest area or truck stop, nor shall it apply to a passenger car or pick-up truck.

(P) The operation of a gas or diesel powered refrigeration unit for a truck in a residential zoning district or within 150 feet of a residence or apartment, between the hours of 11:00 p.m. and 7:00 a.m.

(Q) The owner and lessee of lands upon which a violation of this section has occurred or is occurring shall be jointly and severally responsible for such violation along with the person, partnership, limited liability company, corporation or association which commits or has committed such violation, if such violator is on the premises with the owner's or lessee's knowledge or consent.  
(Ord. 2018-02)

### **34.07 ABANDONED REFRIGERATORS.**

(A) It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door or lock which may not be released for opening from the inside of the icebox, refrigerator or container.  
(Prior Code, § 40.057)

(B) It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snap-lock or other device thereon without first removing the snap-lock or door from the icebox, refrigerator or container.  
(Prior Code, § 40.058)  
(Ord. 21, passed 1-15-1975)

### **34.08 NOXIOUS WEEDS AND GRASS MAINTENANCES.**

(A) *Title.* This section shall be known and may be cited as the Dalton Township Noxious

## Weeds and Grass Maintenance Ordinance.

(B) *Definitions. NOXIOUS WEEDS* as defined in this section shall include Canada thistle; dodders; mustards; wild carrot; bindweed; perennial sowthistle; hoary alyssum; ragweed; poison ivy; poison sumac; marijuana; and grass or other grassy plants of an average height greater than ten inches.

(C) *Exceptions.* This section shall not prohibit or discourage the planting and maintenance of natural ground-cover areas, prairie yards, or gardens, or lawns using generally accepted plantings and techniques and which do not include or result in grass or other grassy plants of an average height of greater than ten inches. Weeds growing in flower or vegetable gardens, plots of shrubbery and in fields devoted to growing grain crops and cultivated fields on bona fide farms, are exempt from the terms of this section. In addition, publicly owned lands, lands located within the traveled portion of a street right-of-way, or lands described in a county drain easement are exempt from the terms of this section.

(D) *Scope.* This section pertains and applies to all non-exempt land:

(1) Located in any subdivision, condominium, or site condominium, all or partially in the township, and in which buildings are located on at least 60% of the lots or units; and

(2) Located within 165 feet of a public or private street.

(E) *Required removal of noxious weeds.* The persons, owners, occupants, lessees and other parties having responsibility for maintaining any non-exempt land within the scope of this section shall eradicate and remove all noxious weeds on the land. It shall be unlawful for any such person, owner, occupant or lessee, or other responsible person to cause or permit noxious weeds to be and remain on any such land. All noxious weeds growing or located on any land to which this section applies are hereby declared to be a nuisance.

(F) *Violation and penalties.* A violation of this section is a municipal civil infraction, for which the fine shall be not less than \$50 nor more than \$100, in addition to all other costs, damages, attorney's fees, and expenses incurred by the township enforcing this SECTION. Each day that such a violation occurs shall constitute a separate offense.

(G) *Charge to owner; imposition of lien.* In addition to the municipal civil infraction penalties provided herein, the township may, after providing ten-days' notice by certified mail to the owner, agent, or occupant of the land on which the noxious weeds are located, or after providing notice by publication as permitted by Act 359 of the Public Acts of Michigan or 1941, enter onto the property on which the violation exists and take appropriate action to remedy the violation, including the cutting and removal of noxious weeds. All expenses incurred in remedying the violation shall be a debt of the property owner and shall be charged to the owner. If such expenses are not paid in full by the owner within 30 days after an invoice of such expenses is sent to the owner by first class U.S. mail, the expenses shall become a debt of the owner and may be imposed as a lien against the property, including interest thereon, until paid, and such lien may be enforced and collected in the same manner as ad valorem property taxes.

(H) *Other ordinances and laws.* The prohibitions and penalties provided in this section shall be in addition to, and not exclusive of, other regulations and penalties provided for by other applicable township ordinances or other applicable laws or regulations.

### **34.09 ABATEMENT OF NUISANCE.**

(A) In addition to civil infractions and misdemeanor penalties specifically provided by ordinance, in the event of the responsible person failing to abate any nuisance within ten days of

being provided with notice of the existence of this nuisance, the township, by resolution of the Board of Trustees, may institute legal proceedings in the County Circuit Court requesting an order granting relief from the nuisance and an order to abate the nuisance.

(B) If legal proceedings are commenced by the township to abate a nuisance, the person responsible for the nuisance shall, in addition to any sanctions ordered by the court, become liable to the township for any expense, loss or damage occasioned by the township to abate the nuisance including, but not limited to, attorney fees and litigation expenses.

(C) Additionally, if the nuisance is related to the maintenance or use of real estate within the township and the owner is in any manner responsible for the nuisance, any expense, litigation expenses may be collected as a lien and special assessment against the real estate and this lien shall be of the same character and effect as a lien created by the township for real estate taxes and shall include accrued interest and penalty.  
(Ord. 196, passed 1-3-2008)