

**LAKE TOWNSHIP
BENZIE COUNTY
STATE OF MICHIGAN**

LAKE TOWNSHIP ORDINANCE NO. 2020-001

ADOPTED: October 1, 2020

LAKE TOWNSHIP NUISANCE ORDINANCE

An ordinance to protect the public health, welfare, and safety by prohibiting listed nuisances, including the existence of damaged structures, which are no longer habitable or useable; and to provide penalties for violations hereof.

THE TOWNSHIP OF LAKE ORDAINS:

Section 1 – Title

This ordinance shall be known and cited as the “Lake Township Nuisance Ordinance.”

Section 2 - Purpose

The purpose of this Ordinance is to preserve the welfare, order, health and safety of persons and property by the prevention or elimination of certain nuisances, which exist, or may in the future exist in the Township.

Section 3 - 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. "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.

- C. "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. For the purpose of this nuisance ordinance, the term "junk" also includes all items or material defined as junk in the Lake Township Junk Ordinance (Lake Township Ordinance No. 07-01-06).
- D. "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.
- E. "Clean firewood" means tree branches and logs, wood pellets, and other commercially available wood-based fuels manufactured for the purpose of use in fireplaces, wood stoves, furnaces, and other similar devices. I. Reserved for future use.
- F. "Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- G. "Rubbish" means non-putrescible solid wastes including ashes, paper, cardboard, metal containers, glass, bedding, crockery, bags, rags, and demolished materials.
- H. "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.
- I. "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 4 - 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 Benzie 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, wood, brush or rubbish on private property without the owner's permission or on common platted accesses and/or public property. This provision applies regardless of whether the ashes, junk, garbage or rubbish is in a sealed container.
- D. The keeping, dumping 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, strays, 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 burning of any material other than clean firewood, including but not limited to building materials, garbage, or junk, either indoors or outdoors, in a manner that causes smoke and/or odors that are offensive to any reasonable person of normal sensitivities.
- I. Creating, permitting or allowing the existence of any structure or damaged partial structure which because of fire, wind or other cause, neglect and/or physical deterioration, is no longer habitable as a dwelling, nor currently useful for any other purposes for which it may have been intended, or which otherwise constitutes a danger to the public health, welfare and/or safety.
- J. No building or structure or part thereof shall be erected, altered or used, or land used, in whole or in part, for any use, process or activity resulting in the emission of odor, fumes, dust, smoke, waste, noise or vibration, light encroachment, accumulation of trash or other unsightly conditions which may include allowing landscape, grass, or bushes to grow to wild state and shall make it obnoxious to the public interest, health or welfare, or is not specifically permitted by the terms of this Ordinance.
- K. No docks, dockages, boats, paddleboards or kayaks can be stored or left unattended at stub road ends, public accesses, access walkways or common platted accesses.

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. Each day a nuisance shall exist shall be construed as a separate violation.

Section 6 - Industrial Usage

The storage or keeping of salvageable metal or wood shall not be prohibited on property on which is located as a factory licensed or 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/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 civil fine of not more than Five Hundred and 00/100 (\$500.00) Dollars plus costs as provided for by law. Each day this Ordinance is violated shall be considered as a separate violation.

Section 8 - Enforcement Officers

The Zoning Administrator and/or Township designee including the Benzie County Sheriff 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 - Civil Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate any other proceedings in the Circuit Court to abate or eliminate the nuisance or any other violation of this Ordinance.

Section 10 - 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, Zoning Administrator and/or designee, after receiving authorization by the Township Board, may take such steps as are necessary to abate or eliminate the nuisance.

The cost of elimination of the nuisance by the Township, including reasonable attorney fees, may be collected 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 10 - 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 affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 11 – Intent

This ordinance prohibits a variety of nuisances which are offensive or objectionable to a reasonable person of normal sensibilities and is intended to prohibit a broader range of activities or situations than those covered by the Lake Township Junk Ordinance. Compliance with the Junk Ordinance does not necessarily preclude a violation of this Nuisance Ordinance

Section 12 – Effective Date

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

CERTIFICATION

I the undersigned duly elected Clerk of the Township of Lake, Benzie County Michigan do hereby certify that the foregoing is a true copy of Ordinance No. 2020-001, which was duly adopted by the Lake Township Board of Trustees at a regularly scheduled meeting held on October 1, 2020.

Dorothy Blank
Lake Township Clerk

Publication date: October 21, 2020
Effective date: November 20, 2020