



Township Ordinances

ORDINANCE 69 NUISANCE, NOISE AND VEHICLES

Section 1 Purpose

The purpose of this ordinance is to:

- 1) Prevent, reduce, or eliminate nuisances or causes of nuisance, and prohibit excessive or unreasonable noise, within the Charter Township of Chocolay thereby providing for the public health and safety of persons and property within the Township
- 2) Regulate outdoor parking and storage of vehicles
- 3) Provide for the enforcement of this ordinance
- 4) Provide a means by which a nuisance or causes of nuisance may be abated
- 5) Provide penalties for the violation of this ordinance

Section 2 Definitions and Diagrams

Definitions

For the purposes of this ordinance, the following definitions shall be used:

Word or Phrase	Definition
All-Terrain Vehicle (ATV)	A small motor vehicle with four or more wheels that is designed for use on various types of terrain and can accommodate from one to four passengers.
Agriculture Activities	All agricultural uses and practices as defined in the <i>Michigan Right to Farm Act PA 93</i> as amended.
Agricultural Vehicle	A motor vehicle, transportation, implements, or parts designed and intended for agricultural use
Compost	Mixture that consists largely of decaying organic matter and is used for fertilizing and conditioning land or gardens
County	Refers to the County of Marquette when used in this ordinance
Driveway	Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.
Garbage	Rejected food waste including waste accumulation of animal, fruit, or vegetable matter used in the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable that will not be used for compost
Hazard	Any source of potential damage, harm or adverse health effect on something or someone
Inoperable Vehicle	<ol style="list-style-type: none"> a) A vehicle that does not have all of its main component parts attached b) A vehicle that is placed on jacks, blocks or other supports that lift a portion of the vehicle from the ground c) A vehicle dismantled for the purpose of selling, salvaging, repairing, or replacing parts





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Word or Phrase	Definition
Junk	Parts of machinery, inoperable appliances, and scrap metal or other cast off material of any kind whether or not the same could be put to any reasonable use.
Landscaping Equipment	Motorized equipment used in the general maintenance of property landscapes (such as blowers, chain saws, lawnmowers, and trimmers)
Lot Line	a) A line of record bounding a lot that divides one lot from another lot b) A line of record bounding a lot that separates a lot from a public or private street or any other public space
Lot Line, Front	The lot line separating a lot from a street right of way
Lot Line, Rear	The lot line opposite and most distant from the front lot line
Lot Line, Side	Any lot line other than a front, rear or water facing lot line
Main Component Parts	Fenders, hood, wheels, tires, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and all such other parts or equipment necessary for the vehicle to be lawfully operated according to all applicable Michigan vehicle codes
Mobile Home	A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted
Motor Vehicle	Vehicle which as originally built was intended to be self-propelled by means of a motor or engine Includes, but is not limited to: aircraft, all-terrain vehicles (ATVs), automobiles, boats, buses, bulldozers, front end loaders and other similar types of construction equipment, logging skidders, motorized bicycles, motorcycles, semi-tractors, snowmobiles, trucks, and vans Exception Motor vehicle does not include an electric personal assistive mobility device.
Noise	Unwanted sound considered unpleasant, loud or disruptive to hearing, to a reasonable person.
Nuisance	a) Whatever injures or endangers the safety, health, or welfare of the public b) Whatever interferes with, obstructs, or renders dangerous any street, highway, navigable lake, navigable stream, or other public place c) Whatever in any way renders the public insecure in life or property
Person or Entity	An individual, firm, corporation, or other entity of any kind, including but not limited to vehicle owners, property owners, and residents or tenants with control of a property
Plow Truck	An unlicensed motor vehicle with snow removal equipment attached, used for the sole purpose of snow removal





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Word or Phrase	Definition
Recreational Vehicle	<p>A vehicle that has its own motive power or is mounted on or drawn by another vehicle, built on a chassis or for use on a chassis, and designed and used primarily as temporary living quarters for recreational camping, travel or seasonal use</p> <p>Includes, but is not limited to: fifth-wheel trailers, folding camper trailers, motor homes, park model trailer, pickup-mounted campers, and travel trailers as defined by the <i>Michigan Motor Vehicle Code 1949 PA 300</i> as amended (MCL 257.49a)</p> <p>Exception Does not include the tractor portion of a highway semi-trailer (whether it has a sleeper unit or not), semi-trailers, or mobile homes or any other specially constructed non-seasonal permanent residence.</p>
Rubbish	<p>Either combustible or noncombustible non-organic solid waste that may be a detriment to the public health and safety</p> <p>Includes, but is not limited to: bedding, cardboard, crockery, glass, demolished building materials, indoor furniture, litter of any kind, metal containers, Styrofoam or other packing materials, used roofing materials, wood, and yard clippings.</p> <p>Exception ashes</p>
Setback	The distance between the buildable area and the lot line on a lot
Severable	Separable or capable of being treated as separate from a whole legal right or obligation
Snowmobile	A motor vehicle, especially one with runners in the front and caterpillar tracks in the rear, for traveling over snow.
Snow Removal Equipment	Motorized or non-motorized equipment used in the removal of snow from property driveways, roofs, walkways, and private and public streets
Sound Equipment	Equipment (such as a radio, television, amplifier, or musical instrument) used to produce or reproduce audible sound
Township	Refers to the Charter Township of Chocolay when used in this ordinance
Vehicle	<p>A device in, upon or by which any person or property is or may be transported or drawn, including, but not limited to, agricultural vehicles, aircraft, boats, motor vehicles, recreational vehicles, and trailers</p> <p>Exception Devices moved by human or non-motorized power.</p>
Vehicle, Seasonal Use	A stock car, plow truck or other modified vehicle that has been re-designed or reconstructed for a purpose other than that for which it was manufactured that is used for specific seasons of the year
Yard	An open space that lies between the principal building or buildings and the nearest lot line.
Yard, Rear	A space extending the full width of the lot between the principal building and the rear lot line and measured perpendicular to the principal building at the closest point to the rear lot line.
Yard, Side	A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.





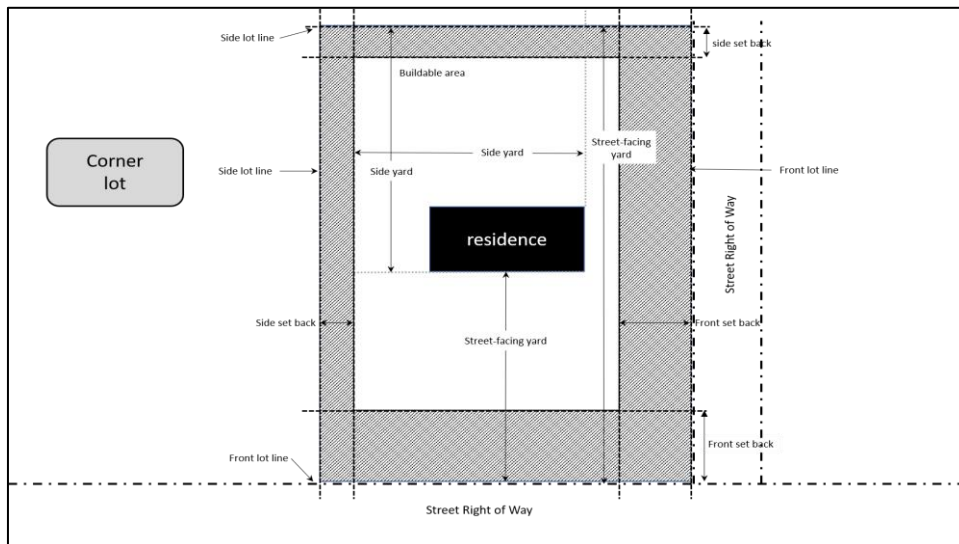
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Word or Phrase	Definition
Yard, Street Facing	A space extending the full width of the lot between the principal building and the street side lot line and measured perpendicular to the principal building at the closest point to the street or road.
Yard, Water Facing	A space extending the full width of the lot between the principal building and the water and measured perpendicular to the principal building at the closest point to the water line.

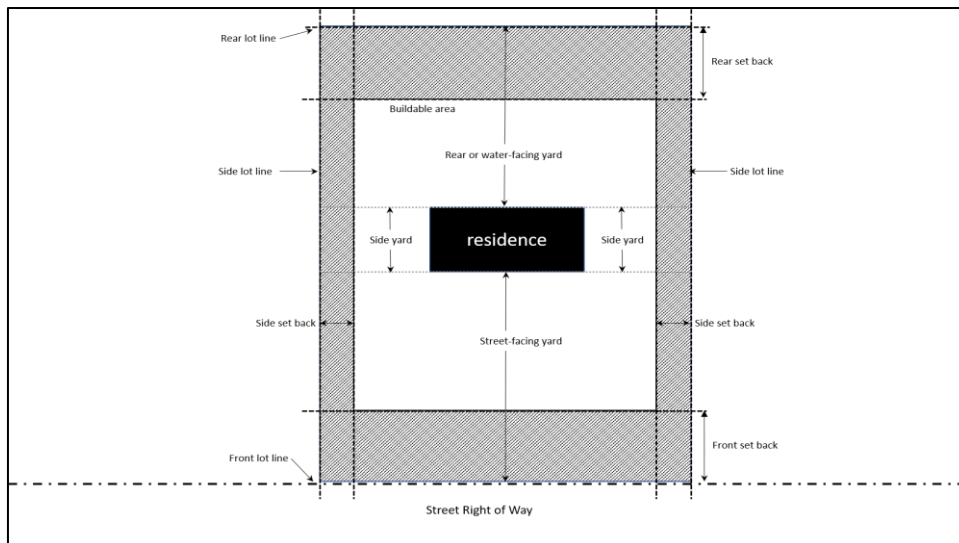
Diagrams

For the purposes of this ordinance, the following diagrams shall be used:

Corner Lot



Interior Lot





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Section 3 Nuisances

- (A) No person or entity shall maintain, or permit to be maintained, any nuisance or causes of nuisance upon any property in the Township, which is either owned, leased, rented, occupied, or otherwise under the control of any such person or entity, or in or upon any public place.

Exempt Activities

1. Use of snow removal equipment, snow trail grooming, and commercial trash removal are exempt activities that can be performed any time.
2. Activities in strict compliance with the Michigan Right to Farm Generally Accepted Agricultural and Management Practices. (Defined by the Michigan Department of Agriculture and Rural Development)

Section 4 Prohibited Specific Nuisances

The following uses, structures, and activities are specifically identified as nuisances or causes of nuisance and are prohibited by this ordinance in any zoning district. This list is not all-inclusive.

- (A) Junk, garbage, or rubbish

The storage or accumulation of junk, garbage, or rubbish of any kind without a landfill construction or operation permit.

Exceptions

1. The storage or accumulation of domestic garbage, rubbish, or junk in such a manner so as not to create a health or safety hazard, nor storage in the road-facing yard.
2. The maintenance of a compost pile for non-commercial purposes in such a manner so as not to create a health or safety hazard.

- (B) Damaged or deteriorated structures

The existence of any structure or part of any structure which has:

1. Been damaged by fire, wind, flood, or by other cause that changes the structural strength or stability of the structure to the extent that the structure or any part of the structure is likely to fall, become detached, become dislodged, or collapse, and consequently result in injury or damage to persons or property.
2. Because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting the structure, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of a structure is likely to fall or give away.
3. Been abandoned, dilapidated, and open at a door, window, or other entrance, leaving the interior of the structure exposed to the elements or accessible to entrance by trespassers.





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Section 5 Prohibited Noise

The following noises and acts are prohibited. The list is not all inclusive.

- (A) It shall be unlawful for any person or entity within the Township to make, create, maintain, or continue, cause to be made or continued any unreasonable, excessive, unnecessary, unnatural or unusually loud noise, which is prolonged, unusual, or unnatural in its time, place, or use, or any noise which unreasonably injures or endangers the health or safety of others.

Exception

1. Use of snow removal equipment, snow trail grooming, and commercial trash removal are exempt activities that can be performed any time.
2. Activities in strict compliance with the Michigan Right to Farm Generally Accepted Agricultural and Management Practices. (Defined by the Michigan Department of Agriculture and Rural Development)

- (B) It shall be unlawful for the owner, occupant, or person in control or possession of any premises within the Township, whether individual, corporate, or otherwise, to knowingly make, allow to be made, or to permit to be made upon the premises, any unreasonable, excessive, unnecessary, unnatural or unusually loud noise, which is prolonged, unusual, or unnatural in its time, place, or use, or any noise which unreasonably injures or endangers the health or safety of others, or unreasonably disturbs the peace, quiet, or comfort of neighbors or other persons.

(C) Sound Equipment

The production of noise which has any of the following conditions:

1. Any machine or device used or operated for the production or reproduction of sound, in such a manner as to unreasonably disturb the peace, quiet, and comfort of the neighbors, or other persons, or at any time with a volume louder than is necessary for convenient hearing for the person or persons who are in the vicinity of the machine or device being used or operated.
2. The operation of any machine or device for the production or reproduction of sound between the hours of 11 PM and 7 AM in such a manner as to be plainly audible at a distance of fifty feet or more from the building, structure, vehicle, or other point of origin in which the device or machine is located.

(D) Animals

The keeping of any animal which causes frequent or long continued noise plainly audible at fifty feet or more from its point of origin.

(E) Exhaust Noise

The discharge into the open air of the exhaust of any stationary or mobile internal combustion engine without a muffler or other device which will effectively prevent or reduce loud or explosive noises from the engine, or which violate limits established by the Michigan Motor Vehicle Code, as amended, or other applicable Michigan state law.

(F) Landscaping with Motorized Equipment

Except in the event of an emergency, landscaping with motorized equipment of any property other than between the hours of 7 AM and 9 PM, where the activity results in the creation of unusually or





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unreasonably loud noise, noise which unreasonably injures or endangers the health or safety of others, or unreasonably disturbs the peace, quiet, or comfort of neighbors or other persons.

(G) Construction or Repairing of Buildings

Except in the event of an emergency, the demolition, excavation, alteration, construction or repair of any building or structure other than between the hours of 7 AM and 9 PM, where such activity results in the creation of unusually or unreasonably loud noise, noise which unreasonably injures or endangers the health or safety of others, or unreasonably disturbs the peace, quiet, or comfort of neighbors or other persons.

Exception

Construction or repairing of buildings is exempt with prior approval from the Township Supervisor or his or her designee.

(H) Construction or Repairing of Roads

Except in the event of an emergency, construction or repairing of roads which has the following condition is prohibited:

In any zoning district, except in the event of an emergency, the demolition, excavation, alteration, construction or repair of any road other than between the hours of 7 AM and 9 PM, where such activity results in the creation of unusually or unreasonably loud noise, noise which unreasonably injures or endangers the health or safety of others, or unreasonably disturbs the peace, quiet, or comfort of neighbors or other persons.

Exception

Construction or repairing of roads is exempt with prior approval from the Township Supervisor or his or her designee.

(I) Business Operations and Other Business Property Activities

Except in the event of an emergency, the carrying on of any business operations, or any other business-related activities upon any property in such a manner so as to create noise that is plainly audible at a distance of fifty feet or more from the boundary line of the business property between the hours of 11:00 p.m. and 7:00 a.m.

Exceptions

1. Industrial (I) Zoning District
2. In any other Zoning District, the operation of any licensed and properly permitted junk yard, salvage yard, repair establishment, body, or paint shop where such uses or operations are legally authorized under the Township Zoning Ordinance and are conducted in conformance with the Zoning Ordinance are exempt from the requirements of this section.

Section 6 Vehicles, Recreational Vehicles and Trailers

This section pertains to all vehicles that are not completely contained within a fully enclosed building that does not violate any of the zoning or building laws of the Township, County, or State of Michigan.





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- (A) Motor vehicles that receive only seasonal use not contained within or on a trailer must be parked, stored, maintained, or placed in the side, rear or water-facing yard upon a property primarily zoned for residential occupancy, except during the season of use.
- (B) ATVs or snowmobiles not contained within or on a trailer must be parked, stored, maintained, or placed only in the side, rear or water-facing yard upon a property primarily zoned for residential occupancy, except during the season of use.
- (C) No person shall park, store, maintain or place, or permit to be parked, stored, maintained, or placed, a vehicle or vehicle parts upon another's property primarily zoned for residential occupancy without consent of the property owner or tenant.
- (D) No person shall park or permit to be parked, a vehicle or vehicle parts in a manner as to create a fire or safety hazard.
- (E) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or part on any property primarily used or zoned for residential occupancy unless the repair, redesign, modification and dismantling does not constitute a nuisance to adjoining property.
- (F) Properly licensed vehicles shall not be parked or stored in the front facing yard unless in a driveway.
- (G) Vehicles over eight feet tall must not be stored within the front or side setbacks for a property.
- (H) One vehicle that is for sale by the owner of the vehicle and has a "For Sale" sign prominently displayed may be parked, stored, maintained, or placed upon properties that are primarily used or zoned for residential occupancy.
- (I) Vehicles compliant with the Michigan Right to Farm Act may be parked, stored, maintained, or placed only in the side, rear, or water-facing yard.
- (J) No more than three recreational vehicles or trailers or a combination may be parked, stored, maintained, or placed in the road facing yard or side yards. Any additional recreational vehicles or trailers must:
 - 1. Be parked, stored, maintained or placed within the side, rear or water-facing yard of the property.
- (K) Temporary occupancy of one recreational vehicle on a parcel used or zoned for residential occupancy is permitted for no more than ninety days per year, except in approved campgrounds or if the recreational vehicle is used for occupancy during construction of the primary residence on the property. Rental of a recreational vehicle is not permitted.
- (L) No more than two inoperable vehicles with or without all main component parts attached may be stored outside provided all other requirements of this section are met, and:
 - 1. The vehicles are stored only within the side, rear or water-facing yard of the property.
 - 2. No discernable environmental hazard (not limited to leakage of fluids) can be seen.

Exceptions

- 1. The designated enforcement officer shall have the authority to grant a waiver from this section, provided the spirit and purposes of these regulations shall still be observed, if it is reasonably determined that:
 - a) The property has unique conditions that are beyond the control of the applicant that make it unfeasible to locate vehicles in full compliance with these requirements, such as unique parcel





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configuration or terrain.

- b) The area of the street facing yard or side yard used for parking or storage of vehicles can be used if those areas are substantially screened at all times from the view of persons standing on adjoining roadways and the ground level of adjoining properties by a solid fence or wall that meets all requirements of the Township *Zoning Ordinance*, or by terrain, landscaping, or other natural barriers of ample height and density so that the vehicles are barely discernable.

Section 7 Enforcement and Penalties

- (A) This Ordinance shall be enforced by such persons as may be so designated by the Township Board.
- (B) Upon identifying a nuisance or cause of nuisance prohibited under Sections 3 or 4 of this Ordinance, the enforcement officer shall contact the owner, occupant, or person in control or possession of the property in writing by first class mail or personal service to require a remediation plan of the nuisance. A period of time within which the remediation plan must be submitted to the Township shall be stated by the enforcement officer in the written notice. Additional time may be granted by the enforcement officer, where, in his or her opinion, bona fide efforts to remove the nuisance are in progress. Allowing a nuisance or cause of nuisance to exist on a property after the deadline for the remediation plan specified in the written notice shall constitute a violation of this ordinance. The written notice and remediation plan under this subsection shall not be required for violations of Prohibited Noise under Section 5 or violations for Vehicles, Recreation Vehicles and Trailers under Section 6.
- (C) The owner of any property upon which any nuisance or causes of nuisance are found shall be the person or entity identified as the owner on the tax roll of the Township, and where there may be more than one such owner, notice to any one owner shall be deemed to be notice to all such owners.
- (D) A violation of this Ordinance shall be deemed to be a civil infraction, and any person, firm, or entity found responsible therefore shall be subject to a fine of not to exceed five hundred dollars (\$500.00) for each offense.
- (E) Each day or fraction thereof that a violation of this Ordinance continues shall constitute a separate offense.
- (F) Any violation of this ordinance is declared to be a public nuisance per se, and in addition to the penalties specified here for such violation, the Township may seek to enforce compliance with the terms and provisions of this Ordinance by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulation, equity, or civil or criminal law.

Section 8 Emergency Abatement of Nuisances

- (A) The Township Supervisor may take immediate reasonable measures to abate any nuisance or cause of nuisance without the prior approval or order of the Township Board, if, in the opinion of the Township Supervisor, the public health or safety requires immediate action. The cost of such emergency abatement measures shall be charged against the property and the owner thereof in accordance with the provisions of Section 9 of this Ordinance.

Section 9 Cost of Abatement

- (A) Upon being found responsible for a violation of this Ordinance, any expense incurred by the Township for the purpose of abating a nuisance cause of nuisance, or any other violation under any Section of this Ordinance, shall be chargeable against the owner and the property upon which such





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nuisance, causes of nuisance, or other conditions were located. An account of the labor, materials, or services for which such expense was incurred, and the name of the owner of such property shall be reported to the Township Treasurer, who shall immediately charge and bill such owner. Bills shall be sent by first class mail to any owner of the property shown on the tax roll of the Township.

- (B) Sent bills shall also notify the owner of such property of the date of a meeting of the Township Board, not less than sixty (60) days thereafter, when the Township Board shall meet for the purpose of adopting a resolution placing a special assessment upon the property for such charges, unless such charges are paid prior to the date of such meeting.
- (C) At such meeting, the Township Board shall adopt a special assessment resolution covering each parcel of land for which such charges have not been paid in full, and as many parcels may be included in a single resolution as may be necessary.
- (D) The adoption of such a resolution shall be deemed the equivalent of the confirmation of a special assessment roll by the Township Board, and the Township Clerk shall endorse the date of confirmation upon each special assessment resolution. Each special assessment shall, upon such confirmation, be final and conclusive.

Section 10 Attachment of Lien

- (A) If a person or entity found responsible for a violation of this Ordinance does not pay the civil fine, costs, and assessments ordered by the court within 30 days after payment is due for any violation involving the use or occupation of land, a building or structure, recording a copy of the court order requiring such payment shall constitute a lien upon the property so assessed, and until paid, shall be a charge against the owner of the property, pursuant to the authority of MCL 600.8731 or other applicable law. Such lien shall be of the same character and effect as a lien created for taxes and shall include accrued interest and penalties.

Section 11 Collection by Court Action

- (A) In addition to any other remedies and without impairing the lien therefore, any assessment levied pursuant to the provisions of this Ordinance, together with interest and penalties thereon, may be collected in an action commencing in the name of the Charter Township of Chocolay against the person or persons assessed in any Court having jurisdiction in such matters. if, in any such action it shall appear by reason of any irregularities or informalities the assessment has not been properly made against the person assessed, or upon the property sought to be charged, the Court may, nevertheless, on satisfactory proof that such expense has been incurred by the Township, render judgement for the amount properly chargeable against such person or persons, or upon such property.

Section 12 Exceptions

- (A) In the event the regulations in this ordinance create any special or particular hardship beyond the control of a violator because of unforeseen circumstances, the designated enforcement officer is authorized to suspend enforcement for no more than thirty days provided no adjoining property owner or occupant is unreasonably or adversely affected and the spirit and purpose of the ordinance is still observed.
- (B) The Zoning Board of Appeals, upon application and payment of the fee, may upon hearing grant further suspension of immediate enforcement based upon a showing of undue hardship or practical





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difficulty. The Zoning Board of Appeals may grant suspension of enforcement, but only to a specified future date.

Section 13 Severability

The phrases, sentences, sections, and provisions of this ordinance are severable. If any portion of this ordinance is found to be unconstitutional or otherwise unenforceable, it shall not detract from or affect the enforceability of the remainder of this ordinance.

Section 14 Language Repeal

This ordinance repeals ordinances 37A *Regulation of Nuisance*, 55 *Vehicle and Trailer Parking and Storage* and 66 *Noise*.

Section 15 Effective Date

This Ordinance shall take effect thirty calendar days following publication.

