

Chapter 10

ENVIRONMENT*

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***State law reference**—Natural resources and environmental protection act, MCL 324.101 et seq.

ARTICLE I. IN GENERAL

Secs. 10-1—10-30. Reserved.

ARTICLE II. NOISE CONTROL***Sec. 10-31. Definition.**

Whatever annoys, injures, or endangers the safety, health, comfort, or repose of the public or offends public decency is hereby declared to be a public nuisance.

(Code 1959, § 20.601)

Sec. 10-32. Unlawful noise prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the village. The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- 1) *Horns and signal devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal after or as brakes are being applied and decelerating of the vehicle has begun; the creation by means of such signal device of any unreasonably loud or harsh sounds; and the sounding of any signal device at any unreasonable or unnecessary period of time.
- 2) *Radio, phonograph, musical instruments.* The playing of any radio, phonograph, television set, amplified or unamplified musical instruments, loudspeaker, tape recorder, or other electronic sound producing devices, in such manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, hospital, or other type of residence, or of any persons in the vicinity. The operation of any such set, instrument, phonograph, machine, or device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this section.
- 3) *Shouting and whistling.* Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office or of any persons in the vicinity.

***State law reference**—Motor vehicle mufflers, MCL 257.707 et seq.

- 4) *Hawking.* The hawking of goods, merchandise, or newspapers in a loud or boisterous manner.
- 5) *Animal and bird noises.* The keeping of any animal or bird by which causing frequent or loud continued noise, shall disturb the comfort or repose of any person.
- 6) *Whistle or siren.* The blowing of any whistles or sirens, except to give notice of the time to begin or stop work or as a warning of fire, or danger.
- 7) *Engine exhaust.* The discharge into the open air of the exhaust of any steam engine, or stationary internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom.
- 8) *Construction noises.* The erection (including excavation therefor), demolition, alteration, or repair of any building, and the excavation of streets and highways on Sundays, and other days, except between the hours of 7:00 a.m. and 8:00 p.m. unless a permit therefor be first obtained from the village manager.
- 9) *Handling merchandise.* The creation of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- 10) *Devices to attract attention.* The use of any drum, loud speaker, amplifier, or other instrument or device for the purpose of attracting attention for any purpose.
- 11) *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- 12) *Tire screeching.* Intentionally or by the immoderate operation of a motor vehicle to cause the tires to screech.
(Code 1959, § 20.602)

Sec. 10-33. Exceptions.

None of the terms or prohibitions of section 10-32 shall apply or be enforced against:

- 1) *Emergency vehicles.* Any police or fire vehicle or any ambulance, while engaged upon necessary emergency business.
- 2) *Highway and utility maintenance and construction.* Necessary excavations in or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the village, or any public utility or any agency of the state, during the night or on Sunday, when the public safety, welfare, and convenience necessitates the performance of the work at such times.
- 3) *Public addresses.* The reasonable use of stationary amplifiers or loud speakers for public addresses which are noncommercial in character.

- 4) *Sacred music.* The use of sound amplifiers or other such devices by churches, or other organizations approved by the council.
- 5) *Trains.* Trains.
(Code 1959, § 20.603)

Sec. 10-34. Retaliation.

If there be any evidence of retaliation by any offender against any complainant or witnesses, such evidence shall be communicated to the district court magistrate. In sentencing any violator, the district court or magistrate shall first examine the evidence of retaliation, and if such is shown, shall consider such acts and sentence the violator accordingly.

(Code 1959, § 20.604)

Secs. 10-35—10-60. Reserved.

ARTICLE III. Anti-Blight

Sec. 10-61. Purpose.

It is the purpose of this ordinance to prevent, reduce or eliminate blight, potential blight, blighting factors or causes of blight within the Village of Unionville by the prevention or elimination of contributing environmental factors and causes of blight which exist or which may in the future exist in the Village of Unionville.

(Ord. No. 147-2009, 06-15-2009)

Sec. 10-62. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Blighted structure means any dwelling, garage, out building, assessor building, factory, shop, store, office building, warehouse, sign or any other structure or part of a structure which:

- a) Because of fire, wind, other natural disaster or physical deterioration is no longer habitable as dwelling or useful for the purpose for which it was originally intended; or
- b) Is partially completed and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the Tuscola County Building Codes.
- c) It is not structurally sound, weather-tight, water proof or vermin proof;
- d) Is not covered by a water-resistant paint or other waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration; or
- e) Is a dangerous building as defined in Section 6-31 of this Code.

Building material means any lumber, bricks, concrete, cinder blocks, plumbing materials and fixtures, electrical wiring or equipment, heating/cooling ducts or equipment, shingles, mortar, cement, plaster, gypsum board, nails, screws or other materials commonly used in the construction or repair of any building or structure.

Enforcement Officer means the Village of Unionville Code Official, any Village of Unionville police officer, or any other person designated by the Village of Unionville Council to enforce the provisions of this ordinance.

Firewood means any timber, split logs, stumps, tree remnants, branches or other material used for the purpose of fueling a wood burning stove or fireplace for heating a building or structure.

Garbage means any animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.

Hazardous substance means one or more of the following:

- 1) A chemical or other material which is injurious to the public health, safety, welfare or to the environment or which possess a threat to waterways or the environment when released. This shall include all substances and materials classified as hazardous materials by the U.S. Department of Transportation.
- 2) A hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 or as classified as a hazardous substance by the U.S. Environmental Protection Agency.
- 3) Hazardous waste as defined in the Hazardous Waste Management Act (MCL 324.21301a et. seq.) as amended.
- 4) Regulated substance as defined in the Leaking Underground Storage Tanks Act (MCL 324.21301a et. seq.) as amended.

Junk means any abandoned, discarded, unusable or unused objects or equipment including, but not limited to, furniture, household appliances, barrels, tanks, implements, motor vehicle parts, tires, machinery, cloth, cartons, crates and paper.

Person means any natural person, firm, association, partnership company or corporation.

Premises means a lot, plot or parcel of land, including the buildings and structures thereon.

Refuse means all types of materials to be discarded, such as wrappings, cartons, crates, packing materials, rags, broken glass, crockery, waste paper, ashes and sweepings.

Vacant building means any building or structure which is unoccupied and which is not securely locked, with windows glazed or neatly boarded up and protected against the elements and from entry by vandals, vagrants, children, rodents or other animals.

(Ord. No. 147-2009, 06-15-2009)

Sec. 10-63. Prohibited conduct.

Except as may otherwise be permitted by the holding of a specific license, permit, by Village of Unionville ordinance or state statute, no person shall:

- 1) Store, accumulate, or permit the storage or accumulation of junk, refuse or garbage on premises owned, leased, rented, or occupied by him.
- 2) Store, accumulate, or permit the storage or accumulation of any building materials on property owned, leased, rented, or occupied by him for any period longer than reasonably necessary for the immediate use of such materials, but in no event longer than sixty (60) days.
- 3) Maintain or permit the maintenance or existence of any vacant building or blighted structure on any property owned, leased, rented, or occupied by him.
- 4) Store or permit the storage of firewood on property owned, leased, rented, or occupied by him except in neatly stacked rows or columns. The storage of firewood shall be restricted to the rear yard of the premises.
- 5) Maintain or permit the maintenance or existence of any pond, pool or vessel of stagnant water.
- 6) Place, throw or otherwise deposit any trash, litter, garbage, junk, refuse or waste material of any kind in or upon any street, highway, alley, or other place or upon any public property, except where placed in containers furnished for receiving such material or where placed for removal in accordance with the applicable provisions of this Code.
- 7) Place, throw or otherwise deposit any trash, litter, garbage, junk, refuse or waste material of any kind on the grounds, premises, or within a refuse container or dumpster of another without the permission of the owner thereof.
- 8) Place, deposit, or permit to be deposited, in any unsanitary manner upon public or private property within the village, or in any area under the jurisdiction of the village, any human or animal excrement, garbage or other objectionable waste. Whenever any property is in the opinion of the enforcement officer, in condition or effect, dangerous or detrimental to life or health, or is likely to cause any unwholesome or noisome condition or offensive smell which, in the opinion of the enforcement officer, is dangerous or detrimental to public health, or is likely to cause sickness, he may declare the same, to the extent he may testify, to be a public nuisance and may order the same to be remedied, removed, abated, suspended, altered or otherwise improved or purified within the time allotted not exceeding seven days as the order may specify.
- 9) Deposit, discharge, dump or drain any oils, grease, nauseous liquid industrial waste or hazardous substance in any stream, lake or body of water.
- 10) Emit dust, fumes, gas, mist, odor, smoke or vapor in violation of the Natural Resources and Environmental Protection Act, (MCL 324.5501 et. seq.), and amended.
- 11) Store flammable liquids, explosive materials, hazardous substance, or other dangerous substance contrary to the provisions of this code or state statute.

- 12) Storage of recyclable material except those stored in a rodent-proof receptacle or other appropriate container kept out of the public view. Storage of recyclable materials shall not exceed fifteen (15) days.
- 13) Storage of yard waste except for compost bins maintained to prevent attraction and harborage of rodents and pests, and to prevent unpleasant odors.
(Ord. No. 147-2009, 06-15-2009)

Sec. 10-64. Excavation and Excavation equipment.

Any person doing excavation work shall at all times display proper danger signals around all excavations and shall maintain and secure all excavation equipment.
(Ord. No. 147-2009, 06-15-2009)

Sec. 10-65. Disabled motor vehicles.

- 1) Disabled motor vehicles means any motor vehicle, or parts thereof, whether assembled or not, which is incapable of being self-propelled or which does not meet the requirements for operation upon the public streets, including, but not limited to, inoperable engine; functional wheels and tires; a working battery; and a current license plate.
- 2) Unless otherwise provided in this code, no owner, occupant or person in control of any real property shall permit a disabled motor vehicle to be stored or repaired on any lot or land for a period in excess of 14 days and, in any event, no more than one vehicle shall be allowed to be so stored or repaired in any 14-day period.
(Ord. No. 147-2009, 06-15-2009)

Sec. 10-66. Penalty.

- 1) Any person who shall violate any of the provisions of this article or fail to comply with the notice given by the enforcement officer within the time allowed shall be guilty of a municipal civil infraction and be liable for a civil fine of up to \$500.00 in accordance with the schedule of fines set by the village, along with any costs and expenses permitted by law.
- 2) Any person who shall violate the provisions of this article, as noted in subsection (1) of this section, for a second time within a three year period, shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500.00 and/or up to 90 days incarceration in the county jail.
- 3) Each day that a violation continues to exist shall be deemed a separate offense.
- 4) In addition to the penalties and fines set forth above, the village, acting through its officials, may petition a court to enter an order of abatement of the nuisance. In addition to the abate order, the court order may contain a provision to assess the costs of the abate of the nuisance against the premises on which the nuisance is located.
- 5) In addition to any remedies provided for in this section, any equitable or other remedies provided by law may be sought.
(Ord. No. 147-2009, 06-15-2009)

Secs. 10-69—10-100. Reserved.

ARTICLE IV. NOXIOUS WEEDS AND GRASS***Sec. 10-101. Duty to cut and destroy.**

It shall be the duty of each owner, possessor or occupier of land, and of every person having charge of any land within the Village, to cut or remove and destroy all noxious weeds. Noxious weeds shall be defined as all grasses, annual plants, and vegetation other than trees and shrubs: provided, however, this term shall not include cultivated flowers and gardens. All noxious weeds shall be cut or removed and destroyed on or before May 1 of each year.

Thereafter, all noxious weeds shall be cut or removed and destroyed before they reach a height of six inches on land adjacent to a residence or a height of eight inches on vacant land, commercial property, or other nonresidential property and, in any case, as necessary to prevent all noxious weeds from going to seed or otherwise spreading or becoming a detriment to public health.

Noxious weeds are hereby declared to be a public nuisance.
(Ord. No. 145, 07-16-2007)

Sec. 10-102. Notice to cut and destroy.

If the provisions of section 10-101 are not complied with, the Village Council President or his designee shall be required to serve written notice, no more than once per calendar year upon the owner, possessor, occupant, or other person having charge of any land within the village, to comply with the provisions of Section 10-101. If the person upon whom the notice is served fails, neglects, or refuses to cut or remove, or to cause to be cut or removed, or otherwise destroyed such noxious weeds within 5 days after receipt of said notice, or if no person can be found within the Village who either is or claims to be the owner of such land the Village Council President or his designee or any duly authorized contractor engaged by the Village may enter upon the property and cause such noxious weeds to be cut down and destroyed. All expenses of such cutting or destroying, including any and all costs incurred in the removal or relocation of debris, junk, or other miscellaneous obstructions which would be necessary or convenient for carrying out the requirement of this section shall be paid by the owner of such land plus an administrative service charge of \$110.00 per parcel, per cutting or destroying. The Village Council President or his designee or the contractor engaged by the Village may enter upon such lands as often as necessary to cut and destroy noxious weeds and shall not be liable for damages in any action of trespass therefore. As an alternative to service of written notice as set forth above the Village Council President or his designee may give general notice to every owner, possessor or occupier of land, and to every person having charge of any land within the village, by publication at least once in a newspaper of general circulation in the village that weeds not cut by May 1 of that year, and as often thereafter as necessary, will be cut by the village and the owner of the property charged with the cost of the same, including any cost incurred in the removal or relocation of debris, junk, or other miscellaneous obstructions which would be necessary or convenient for carrying out the requirement of this chapter.

(Ord. No. 145, 07-16-2007)

***State law reference**—Control and eradication of noxious weeds, MCL 247.61 et seq.

Sec. 10.103. Count and collection of expenses incurred.

- a) The Village Council President or his designee shall keep an accurate account of the expenses incurred in carrying out the provisions of Section 10-102 with respect to each parcel of land entered upon therefore. The amount of such expense incurred in the destruction of such noxious weeds shall constitute a debt due the village by the person so failing to comply with Section 10-102 and the Village may maintain an appropriate action in a court of law for the collection thereof.
- b) If the costs of destroying noxious weeds is provided in Section 10-102 remains uncollected an unpaid on September 30 following the cutting of the noxious weeds, the Village Council President or his designee shall certify the costs to the Village Council, and shall, thereupon, become a lien upon the property on which such noxious weeds were located, and shall become and form, part of the taxes next to be assessed upon such lot or land, and shall bear interest at the same rate as taxes, and shall be collected and enforced by the same officer and in the same manner as all other special assessments of the village; and the same, when collected, shall be paid into the general fund to reimburse the outlay therefrom.

(Ord. No. 145, 07-16-2007)