

**EVANGELINE TOWNSHIP  
NUISANCE ORDINANCE  
Ordinance No. 2 of 2002**

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

THE TOWNSHIP OF EVANGELINE ORDAINS:

**Section 1. Definitions.** As used in this Ordinance,

- (a) "Amplified sound system" means a device which produces or amplifies sound either electronically or mechanically and includes but is not limited to radios, phonographs, compact disc players, tape players, televisions, musical instruments, drums, and sound amplifiers.
- (b) "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.
- (c) "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.
- (d) "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.

- (e) "Harass" means the use of any personally abusive epithets, words, language, or conduct of an offensive nature, which when addressed to or directed at a reasonable person, are likely to provoke a reaction of fear, anger, or apprehension.
- (f) "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.
- (g) "Highway or Street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (h) "Junk" means any used or salvaged metals and their compounds or combination, used or salvaged rope, rubber, tires, car parts, or other discarded items.
- (i) "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.
- (j) "Motor vehicle" means every vehicle which is designed to be self-propelled
- (k) "Owner of a cat or dog" means any person or persons owning or harboring a cat or dog. Any person who harbors a cat or 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.
- (l) "Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

- (m) "Rubbish" means nonperishable solid wastes including ashes, paper, cardboard, metal containers, glass, bedding, crockery, bags, rags, and demolished materials.
- (n) "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.
- (o) "Sidewalk" means that portion of a highway or street between the curb lines, or lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- (p) "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.
- (q) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, and specifically includes bicycles and tricycles.

**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 Charlevoix 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 cat or dog, to permit or to allow another person to permit his or her cat or 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) Loitering on a public street, sidewalk, a public place, or any other place or business open to the general public in such a manner as to:
  - 1. By words or conduct, harass, assault, molest or intimidate any other person of ordinary sensitivities, or

2. Interfere with any person's reasonable use of a public street, sidewalk, a public place, or any other place or business open to the general public.
- (k) Except as provided in subsection 4 below, operating, or permitting another person to operate, an amplified sound system under any of the following circumstances:
1. In a parked vehicle or motor vehicle or in a motor vehicle that is being operated on a highway or other place open to the general public so that it is clearly audible from the vehicle or motor vehicle by an individual of ordinary hearing ability under either of the following circumstances:
    - A. At a distance of fifty (50) feet from the vehicle or motor vehicle, between the hours of 7:00 a.m. and 10:00 p.m.
    - B. At a distance of twenty-five (25) feet from the vehicle or motor vehicle, between the hours of 10:00 p.m. and 7:00 a.m. the following day.
  1. From any real property within Evangeline Township between the hours of 10:00 p.m. and 7:00 a.m. the following day so that it is clearly audible by an individual of ordinary hearing ability at a distance of twenty-five (25) feet from the boundaries of the property on which the amplified sound system is being operated.
  2. On a highway or sidewalk so that it is clearly audible by an individual of ordinary hearing ability under either of the following circumstances:
    - A. At a distance of fifty (50) feet from the device producing the sound, between the hours of 7:00 a.m. and 10:00 p.m.
    - B. At a distance of twenty-five (25) feet from the device producing the sound, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

3. This subsection (k), however, shall not apply to the operation of amplified sound systems when used in connection with parades, musical productions or events authorized by the Evangeline Township Board, the local school district, or a local civic or community organization; to the operation of amplified sound systems by Evangeline Township or any police or fire official when used to disseminate official information; and to the operation of amplified sound systems used to give official warnings such as sirens, whistles, bells, or horns as authorized by the state motor vehicle code or the uniform traffic code adopted by Evangeline 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. Violations and Penalties.**

- (a) Except as provided in subsection (b) below, any person who violates 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.

- (b) Following the issuance of a municipal civil infraction citation for a nuisance defined in Section 2(j), if a person fails to leave the premises after being requested to do so by a police officer, the owner of the property, or an authorized representative of the owner of the property, that person shall be guilty of a misdemeanor and shall be subject of a fine of up to Five Hundred and 00/100 (\$500.00) Dollars or imprisonment of not more than ninety (90) days, or by both.

**Section 6 - Enforcement Officials.**

The Zoning Administrator and police officers of the Charlevoix County Sheriff's Department are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

**Section 7. Separate Court Action.**

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

**Section 9. 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 10. Effective Date.**

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



TOWNSHIP OF EVANGELINE

By:

  
R. Douglas Shields, Supervisor

By:

  
Josette A. Lory, Clerk

Date of Adoption: 6/3/2002

Date of Publication: 7/10/2002

Effective Date: 8/9/2002

# ORDINANCE CERTIFICATION

At a regular meeting of the Evangeline Township Board, Charlevoix County, held in the Evangeline Township Hall, located at 02746 Wildwood Harbor Road, Boyne City, Michigan, on June 3, 2002, at 7:30 P.M.

PRESENT: Adams, Conright, Howell, Lory, Shields

ABSENT: Ø

It was moved by Howell and supported by Lory that

the following Ordinance be adopted: **Nuisance Ordinance**

(See attached EVANGELINE TOWNSHIP ORDINANCE)

YES: Adams, Conright, Howell, Lory, Shields

NO: Ø

## ORDINANCE DECLARED ADOPTED.

EVANGELINE TOWNSHIP

By:   
R. Douglas Shields, Township Supervisor

I, the undersigned, the Clerk of the Township of Evangeline, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Evangeline Township Board of said County at its regular meeting held on June 3, 2002, 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 Citizen's Paper, on July 10, 2002, and was filed with the County Clerk on August 8, 2002.

  
Josette Lory, Township Clerk

8/6/02  
Dated

**Note:** The Ordinance and this Ordinance Certification should be filed with the County Clerk and the Township Attorney, and the Ordinance should be placed in the Township Ordinance Book.

Minutes of the regular meeting of the Evangeline Township Board held at the Evangeline Town Hall, Wildwood Harbor Road, on Monday, June 3, 2002.

JUNE 3, 2002  
EVANGELINE  
TOWNSHIP BOARD

Supervisor Shields called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

**CALL TO ORDER**

Board present: Treasurer Jodie Adams, Trustee Michelle Cortright, Trustee James Howell, Clerk Josette Lory, Supervisor Douglas Shields.

**ROLL CALL**

Public: There were four residents in attendance.

**MEETING  
ATTENDANCE**

Cortright moved, Howell seconded approval of the May 13, 2002 Township Board minutes as amended.

**APPROVAL OF  
MINUTES**

Residents in the Pine Hurst Shores area, represented by Mike and Ralph (Judy) Stowe, are requesting road improvements to Pine Hurst Shores/Pine Boulevard through the creation of a special assessment district.

**SPECIAL  
ASSESSMENT  
REQUEST FOR PINE  
HURST SHORES  
ROAD  
IMPROVEMENTS**

The township will obtain a current estimate from the County Road Commission as well as contact the Township Attorney for direction on this process.

The May treasurer's report was submitted noting a total of \$282,618.51 in the general fund for May 2002. Lory moved, Cortright seconded approval of the May 2002 treasurer's report as presented. This general fund figure reflects the general checking and operating fund.

**TREASURER'S  
REPORT**

*Roll Call*

Aye: Adams, Cortright, Howell, Lory, Shields.

Nay: None.

Abstain: None.

Absent: None.

*Motion Carried.*

Review of accounts payables. Shields moved, Lory seconded a motion to approve the June 3, 2002 payables, as amended, in the amount of \$3,370.71.

**ACCOUNTS  
PAYABLE**

*Roll Call*

Aye: Cortright, Howell, Lory, Shields, Adams.

Nay: None.

Abstain: None.

Absent: None.

*Motion Carried.*

Verbal report received from Supervisor Shields regarding gravel work on Springwater Beach Road and progress on the location of a dry hydrant in the Pine Hurst Shores area (Nelson Road/Chris Park/Pine Boulevard).

**REPORTS OF  
OFFICERS**

Written reports from Planner/Zoning Administration Chuck Stewart and the Township Planning Commission were received.

The board received conceptual park design presentations from Site Planning Development, Inc. for Kim Park and Glenwood Beach Park.

Suggestions: In the Glenwood Beach area include one handicap parking space.

Adams moved, Shields seconded, PASSED UNANIMOUSLY, to accept the conceptual design plans as presented for Kim Park and Glenwood Beach Park, and direct Site Planning Development, Inc. to prepare design plans so the Township may pursue bids for park improvements.

Howell moved, Cortright seconded, PASSED UNANIMOUSLY, to adopt the Fire Clean-up Resolution and Procedures for Evangeline Township as presented. (Insert resolution here.)

Howell moved, Cortright seconded, PASSED UNANIMOUSLY, to accept the Charlevoix County Road Commission contract for Springwater Beach and Terrace Roads at an estimated cost of \$7,402.50.

Howell moved, Lory seconded, PASSED UNANIMOUSLY, to adopt the Evangeline Township Nuisance Ordinance as presented. (Insert ordinance here.)

Shields moved, Howell seconded, PASSED UNANIMOUSLY, to adopt the Evangeline Township Lake Access and Parks Ordinance as presented. (Insert ordinance here.)

Shields moved, Howell seconded, PASSED UNANIMOUSLY, to adopt the Evangeline Township Dangerous Structures Ordinance as presented. (Insert ordinance here.)

Adams moved, Shields seconded, PASSED UNANIMOUSLY, to approve the proposed Kim Park temporary entrance and barrier structure as presented, with the addition of reflectors.

The next regular meeting of the Evangeline Township Board is scheduled for Monday, July 1, 2002, at 7:30 p.m.

Shields moved, Adam seconded a motion to adjourn the Monday, June 3, 2002, Evangeline Township Board meeting at 9:30 p.m.

**CONCEPTUAL  
PARK DESIGNS  
GLENWOOD BEACH  
KIM PARK**

**FIRE CLEAN-UP  
RESOLUTION**

**SPRINGWATER  
BEACH/TERRACE  
ROAD  
IMPROVEMENTS**

**NUISANCE  
ORDINANCE**

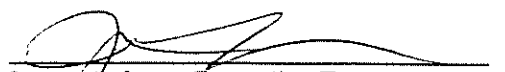
**LAKE  
ACCESS/PARKS  
ORDINANCE**

**DANGEROUS  
STURCTURES  
ORDINANCE**

**TEMPORARY  
ENTRANCE/BARRIER  
AT KIM PARK**

**NEXT MEETING**

**MEETING  
ADJOURNED**

  
\_\_\_\_\_  
Josette A. Lory, Evangeline Township Clerk