

VILLAGE OF VERMONTVILLE, EATON COUNTY, MICHIGAN
CODE OF ORDINANCES

ARTICLE FOUR: NUISANCES

The ordinances adopted by the Village of Vermontville pertaining to nuisances and nuisance activities within the Village are assembled in this Article Four: Nuisances

CHAPTER 35 TRASH, NOXIOUS WEEDS AND YARD WASTE

- 35.1 PURPOSE.** It is hereby determined that the unauthorized storage or accumulation of refuse, garbage, junk, junk motor vehicles, abandoned vehicles, building materials, yard waste or clippings or similar materials, or the toleration of noxious weeds upon any private property within the Village of Vermontville tends to result in blighted and deteriorated neighborhoods, the spread of vermin and therefore contrary to the public peace, health, safety, and general welfare of the community.
- 35.2 DEFINITIONS.** For the purposes of this Chapter, the following terms when used herein shall be deemed to have the following meanings:
- A. **Junk:** The term "junk" shall include, without limitation, parts of machinery or motor vehicles, broken and unusable furniture, stoves, ranges, refrigerators or other appliances and remnants of wood, metal, or any other cast-off material of any kind, not being put to reasonable use, whether or not the same could be put to any reasonable use.
 - B. **Junk Motor Vehicle:** The term "junk motor vehicle" shall include, without limitation, any motor vehicle which is not licensed for use upon the highway, road, or public streets, of the State of Michigan for a period in excess of sixty (60) days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty (60) days, provided that there is expected from this definition unlicensed but operative vehicles which are kept as the stock in trade of regularly licensed and established dealers in new or used automobiles or other motorized vehicles. And provided further, that the time limit such vehicles may remain upon the premises of a motor vehicle repair garage shall be a period of one hundred twenty (120) days, with extensions of thirty day periods upon presentation to the Vermontville Village Council of written proof the offending vehicle is involved in insurance claims litigation or a similar matter and additional time is required for settlement before a vehicle can be moved.
 - C. **Abandoned Vehicle:** The term "abandoned vehicle" shall include, without limitation, any vehicle which has remained on private property for a period of forty-eight (48) continuous hours, or more, without the consent of the owner or occupant of the property or for a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant of the property has been revoked.

- D. Refuse: The term "refuse" shall include solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and solid industrial wastes.
- E. Garbage: The term "garbage" shall include rejected food wastes, including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that pertaining to the preparation, use, cooking, dealing in or the storing of meat, fish, fowl, fruit or vegetable.
- F. Rubbish: The term "rubbish" shall include nonputrescible solid wastes, excluding ashes, consisting of both combustible wastes such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials or litter of any kind that will be a detriment to the public's health and safety.
- G. Building Materials: The term "building materials" shall include, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- H. Person: The term "person" shall include all natural persons firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent, or employee. All persons who violate any of the provisions of this Chapter, whether as owner, occupant, leasee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principle. This term shall also include limited liability corporations.
- I. Yard Waste: The term "yard waste" shall be consistent with and as defined within Public Act 451, of the Public Acts of the State of Michigan, 1994, as amended, which states that yard clippings means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, agricultural waste, animal waste, roots, sewage sludge, or garbage.
- J. Noxious Weeds: The term "noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* L.) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*) or other plant which, in the opinion of the Village Council of the Village of Vermontville, is regarded as a common nuisance

35.3 TRASH, ABANDONED AND JUNK VEHICLES AND SIMILAR MATERIALS. It shall be a violation of this Chapter, without proper authority, to store, or permit the storage or accumulation of refuse, garbage, rubbish, junk, junk motor vehicles, or abandoned vehicles on any property in the Village of Vermontville except, within a completely enclosed building upon the premises of a property zoned, licensed or approved junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk or other authorized person.

- 35.4 BUILDING MATERIALS.** It shall be a violation of this Chapter for any person to store or permit storage or accumulation of building materials on any property, except in a completely enclosed building or except where such building materials are part of the stock in trade of business located on said property, or except when such materials are being used in the construction or repair of a structure on the property in accordance with a valid building permit, and unless such construction is completed within a reasonable time.
- 35.5 REMOVAL OF NUISANCE MATERIALS.** The Village of Vermontville Council may remove or caused to be removed any junk vehicles or parts of either, or refuse or junk from any unenclosed property after having notified the owner in writing the owner or occupant of such property of the village's intention to do so at least seven (7) days prior to such removal. Such junk or abandoned vehicles or parts of either shall be removed and disposed of in accordance with the law. Such removal by designated enforcement official shall not excuse or relieve any person of the obligation imposed by the violation of this Chapter to keep properties free from storage or accumulation of junk vehicles or abandoned vehicles, or parts of either, or refuse or junk, nor from penalties for violation thereof. (Revised 9-9-04)
- 35.6 COSTS OF REMOVAL.** The cost of removal of any junk vehicle or abandoned vehicle, or parts of either, shall be charged to the person from whose property it was removed. In the event the cost of removal of any junk or abandoned vehicle, or parts of either, is not paid in thirty (30) days from the date of sending a statement of the charges to such person(s), then the Village Treasurer may be authorized by the Vermontville Village Council to add the same to the tax rolls of the property from which removal occurred.
- 35.7 REMOVAL OF DIRT AND REFUSE.** Every dwelling and part thereof shall be kept reasonably clean and shall be kept free from accumulation of dirt, refuse, garbage or other matter in or on the dwelling, or on the yards, courts, passages, areas or alleys connected therewith or belonging thereon. The owner of every dwelling shall be responsible for keeping the entire building free from vermin. The owner shall be responsible for the cleanliness of those parts of the premises he occupies or controls. Upon written notification of violation of this section, owner shall have 30 days to remove such refuse or junk.
- Revised 9-9-04/revisionC
- 35.8 TRASH RECEPTACLES.** The owner of every dwelling or business and the occupant or occupants thereof, shall provide for such dwelling and keep clean and in place properly covered receptacles of non-absorbent material for holding refuse, garbage, rubbish, ashes, and other waste matter.
- 35.9 IMPORTATION OF YARD WASTE.** It shall be a violation of this Chapter to dispose of, or permit the disposal of, yard waste not generated on land within the Village of Vermontville, on any property located within the Village.
- 35.10 STOCKPILING OF YARD WASTE.** It shall be a violation of this Chapter to permit the collection of yard waste on any property located within the Village such that such collection of yard waste shall become a nuisance detrimental to the health, safety and welfare of the residents of the Village.

- 35.11 REMOVAL OF NOXIOUS WEEDS.** It shall be the duty of the owner of every lot or parcel of land within the Village, vacant or occupied, on which is found noxious weeds growing to destroy or remove the same for a minimum distance of 100 feet back from the front line and for the entire width of the lot or parcel of land. If said owner shall fail or neglect to destroy or remove said weeds on his property, the Village Council shall serve a written notice to the owner or occupant of such property to comply with the provisions of this Chapter within five (5) days from receipt of such notice. If service of such notice cannot be had upon the owner or occupant it shall be sufficient to post the same in some conspicuous place on the premises. Failure to give notice shall not, however, constitute a defense to any section to enforce the payment of any penalty provided for, or debt created, under the provisions of this Chapter.
- 35.12 FAILURE TO COMPLY.** In any case, if such owner, agent or occupant shall refuse or neglect to destroy or remove such noxious weeds or cause same to be done, the Village Council shall, without further notice, cause same to be done. All cost pertaining to the destruction or removal of such noxious weeds shall be paid from the Village Treasury, and the amount thereof assessed against the property on the next general assessment roll of the Village.
- 35.13 REMOVAL OF SNOW AND ICE.** It shall be the duty of the owner of every lot or parcel of land with the Village, vacant or occupied, to remove snow and ice on the sidewalk in front or the side of their property. This is to insure the health and safety of the residents of the Village. Failure to remove snow or ice from the sidewalk will be a violation of the Village Code of Ordinances. If the Village is forced to do the removal, any and all cost of the removal shall be paid by the property owner.
- 35.14 ENFORCEMENT AUTHORITY.** The Village Council shall assign responsibility to an appropriate official to act on behalf of the Village in carrying out the terms of this Section.
- 35.15 PENALTIES.** Any owner of a lot or parcel of land who shall refuse or neglect to destroy such noxious weeds and/or remove such unsightly trash, as provided in this Chapter, shall be guilty of a misdemeanor and upon conviction be subject to a fine of not less than \$10.00 nor more than \$100.00 together with cost of prosecution, or by imprisonment in the County Jail for not more than 90 days.

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