

WEBSTER TOWNSHIP
PUBLIC NUISANCE ORDINANCE AMENDMENT
ORDINANCE NO. 2011-1

Resolution No. 01-23

At a regular meeting of the Township Board of Webster Township, Washtenaw County, Michigan, held at the Webster Township Hall on **January 17, 2023** at **7 p.m.**, **Township Board Supervisor Kingsley** moved to adopt the following ordinance, which motion was seconded by **Township Board Member Vrsek**.

An ordinance to promote the health, safety, and welfare of the people of Webster Township, Washtenaw County, Michigan, by defining and prohibiting public nuisances; declaring certain acts, apparatus, accumulations, violations, and activities as public nuisances per se; providing the procedure for abatement of public nuisances, enforcement of this ordinance, and recovery of costs incurred by Webster Township; and repealing all ordinances or parts of ordinances in conflict with this ordinance.

WEBSTER TOWNSHIP, WASHTENAW COUNTY, ORDAINS:

SECTION 1. Section 3: Public Nuisances *Per Se*. of Webster Township Public Nuisance Ordinance is amended and shall read as follows:

SECTION 3: PUBLIC NUISANCES *PER SE*. The following acts, apparatus, accumulations, violations, and activities within the Township are hereby declared to be public nuisances *per se*:

1. Throwing, placing, or leaving or permitting throwing, placing or leaving any of the following substances: organic refuse, food wastes, ashes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, shell, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor covering, wallpaper, sweepings, waste paper, newspapers or magazines, discarded appliances, rubbish, excrement, rot, construction debris including, but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding, yard debris or rubbish including, but not limited to, grass clippings, clippings from hedges or shrubs, or detached tree branches, industrial waste, unclean or nauseous fluids or gases, in any of the following locations:

Section 3, items 1a – 1 d. Unchanged

Section 3, items 2 - 4 Unchanged

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5. Throwing, dropping, dumping, depositing, placing or leaving litter from a vehicle. The registered owner or lessee of a vehicle from which litter is thrown, dropped, dumped, deposited, placed or left is presumed to be the person responsible for littering.

6. Violating the following noise regulations:

a. **General Regulation.** It shall be unlawful for the owner of any premises within the Township of Webster, or for the occupant or person in possession of any premises within the Township of Webster, or for any person to knowingly make, allow to be made, or to permit to be made upon the premises so owned, occupied, or possessed, any excessive, unnecessary, unnatural, repeated, prolonged, unusually loud noise, which is clearly audible from nearby properties, within the limits of the Township of Webster.

'Clearly audible' shall mean any sound or noise that can be detected by a person using his or her unaided hearing faculties at a distance of one hundred (100) feet or more from the property line of the source of the sound or noise.

'Quiet Hours' shall mean after hours between 10:00 p.m. and 7:00 a.m. or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.

b. **Specific Noise Violations.** The following recurring noise disturbances, typically occurring during quiet hours are hereby declared to be a violation of this Ordinance provided. However, that the specification of the same is not to be construed to exclude other violations of this Ordinance not specifically enumerated below:

i. **Animal Noise.** Owning, possessing, or harboring an animal, bird or fowl, that barks, howls, meows, squawks, or makes any sound that creates a noise disturbance across a residential property boundary, which is frequent or continued duration for ten (10) or more consecutive minutes or is intermittent for a period of thirty (30) or more minutes.

Owner when applied to proprietorship of any animal, bird or fowl shall mean every person having a right of property in the animal, bird or fowl, and every person who keeps or harbors the animal, bird or fowl or has it in his care, and any person who permits the animal, bird or fowl to remain on or about any premises occupied by him or any person who has reasonable control of the animal, bird or fowl.

Reasonable control of the animal, bird or fowl shall be deemed to be under reasonable control when the animal, bird or fowl is on the premises of its owner, or when the animal, bird or fowl, not being on the premises of the owner is in custody, possession or command of its owner, his agent or a member of his family.

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ii. **Vehicular Noise.**

- A. The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties.
- B. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this Section.
- C. The sounding of any unreasonably disturbing horn unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.

iii. **Construction Noise.** The construction, excavation, demolition, alteration or repair of any building or premises in any part of the Township, including the streets and highways, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. Urgent necessity would include snow plowing, utility repairs, and similar situations.

iv. **Other Noises.**

- A. The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument.
- B. Yelling, shouting, singing or other noise making at any time or place.
- C. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose.
- D. The operation of any machinery, equipment or mechanical device, so as to emit unreasonably loud noise or frequent noise.
- E. The operation of any track, proving ground, testing area or obstacle course for vehicles of any kind or nature in any area of the Township.

c. **Exceptions.** *No changes to existing language are proposed*

d. Initial concerns regarding occasional or random noise nuisance shall be made to the Washtenaw County Sheriff Department. The Township may be contacted for noise violations that occur repeatedly.

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7. **Animal Care.** Keeping, owning or possessing any animal, including, but not limited to livestock and domestic animals, without proper adequate care as defined below.

Adequate care means providing for the health and well-being of the animal based on best industry standards. Examples of adequate care include but are not limited to: the provision of sufficient food, water, shelter, sanitary conditions, exercise and veterinary medical attention in order to maintain an animal in a state of good health, that are consistent with the industry best practices.
8. **Animal Restraint.** Restraining or confining a livestock animal by use of a chain, rope or similar device, except for the following:
 - a. Supervising or confining the animal for the purposes of feeding, care giving or human interaction.
 - b. Other instances include, but are not limited to: veterinary examinations, milking, bathing, feeding, grooming, shearing, and horse or livestock shows.
9. **Animal Bites.** Anyone having knowledge or reason to believe that any animal in the Township has bitten a person shall report within twenty-four (24) hours, so far as is known, the name and address of the owner and circumstances of the animal. Such report concerning bites shall be made to the Washtenaw County Sheriff Department.

SECTION 10: SEVERABILITY

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 11: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Webster Township.

This Ordinance was offered for adoption by Township Board Supervisor Kingsley and was seconded by Township Board Member Vrsek, the vote being as follows:

YEAS: Harms, Kingsley, Munzel, Scharf, Vrsek, Westman.

NAYS: None

ABSENT/ABSTAIN: Calleja

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ORDINANCE DECLARED ADOPTED.



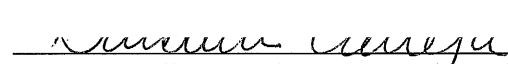
John Kingsley, Webster Township Supervisor

1/17/23

Date

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Webster Township Board at a regular meeting held at the Webster Township Hall on January 17, 2023, at 7 p.m., pursuant to the required statutory notice and procedures.



Barbara Calleja, Webster Township Clerk

1.17.2023

Date