

TOWNSHIP OF BIRCH RUN  
SAGINAW COUNTY, MICHIGAN

ORDINANCE NO. 2011-02

ADOPTED: July 12, 2011

PUBLISHED : July 27, 2011

EFFECTIVE: August 27, 2011

AN ORDINANCE TO AMEND THE BIRCH RUN TOWNSHIP "PUBLIC NUISANCE ORDINANCE" (No. 2006-04) AS AMENDED AS ORIGINALLY ADOPTED ON NOVEMBER 14, 2006 BY THE ADOPTION OF THIS AMENDMENT TO SECTION II, SECTION VI, SECTION VII, SECTION VIII, SECTION IX, SECTION X, AND SECTION XI.

THE TOWNSHIP OF BIRCH RUN  
SAGINAW COUNTY MICHIGAN

ORDAINS:

SECTION I

ORDINANCE TITLE

This Ordinance shall be known and may be cited as "The Township of Birch Run Public Nuisance Ordinance".

SECTION II

DEFINITIONS

The following terms used in this Ordinance are defined as follow:

- (a) DAYTIME HOURS: The hours between 7:00 a.m. and 10:00 p.m. local time.
- (b) NIGHT HOURS: The hours between 10:00 p.m. and 7:00 a.m., local time.
- (c) "Commissioner of weeds, grass and brush control" or "Commissioner" shall mean the Township Supervisor or their designee.
- (d) "Noxious Weeds" shall include, but is not limited to the following:  
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*

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*arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Amrosia elatior 1*), poison ivy (*Rhus Toxicodendron*), poison sumac (*Toxicodendron vermix*), oxeyes daisies, goldenrod, and dandelion.

- (e) "Tall Weeds" shall mean any weed exceeding ten (10") inches in height.
- (f) "Tall Grass" shall mean any grass exceeding ten (10") inches in height.
- (g) "Tall Brush" shall mean any brush exceeding three (3') feet in height.
- (h) "Other Plants" shall include those recognized as deleterious to health, safety, or public welfare and recognized as a common nuisance.
- (i) "Owner" shall mean the person(s) listed on the current property tax roll.
- (j) "Township" shall mean the Township of Birch Run.
- (k) "Township Board" shall mean the Birch Run Township Board.
- (l) "Lot" or "Residential Lot" shall mean a parcel of land located within the Township of Birch Run as identified on the Tax rolls for the County of Saginaw.
- (m) "Parcel" shall mean any lot of land located within the Township of Birch Run as identified on the tax rolls for the County of Saginaw.
- (n) "Weeds" shall mean all Noxious Weeds, Tall Grass, Tall Brush, Tall Weeds and Other Plants, as defined above.
- (o) "Woodlot" shall mean a vacant tract of land comprising of a minimum of seventy-five percent (75%) of mature trees.

### SECTION III

#### ANTI-NOISE REGULATIONS

(a) GENERAL REGULATION No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the Township.

(b) SPECIFIC VIOLATIONS The following noises and disturbances are hereby declared to be violations of this Ordinance; however, this listing is not to be construed to exclude other violations of this Ordinance not specifically enumerated:

1. The playing of any radio, phonograph, compact disc, television, or other electronic or mechanical sound producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons from nearby residential property.
2. Yelling, shouting, hooting or singing on the public streets between the hours of 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.
3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
4. The keeping of any animal, bird, or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any

dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.

5. 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 and unreasonably disturbing to the quiet, comfort, or repose of other persons. 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.
6. The sound of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so 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.
8. The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
9. The operation of a loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises unreasonably disturbing to nearby residential property.
10. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort, or repose of any person.
11. No vehicles parked in the Township shall be left running for more than ½ an hour during the night hours in a residential or agricultural area, unless exempt under this ordinance.
12. It shall be unlawful for grass, weeds or a combination of weeds and grass to exceed 10 inches in height, for lots or parcels in any business or industrial district, or any residential lot. It shall be the duty of the owner or occupant of said parcel (hereafter collectively “Owner”) to maintain the lawn area surrounding the building or other structure to destroy the noxious weeds before they reach a seed-bearing stage, and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health.

(c) EXCEPTIONS: None of the prohibitions hereinbefore enumerated shall apply to the following:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Birch Run Township or the County of Saginaw, between sundown and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
3. Warning devices emitting sound for warning purposes as authorized by law.
4. Any agricultural equipment while engaged in normal agricultural activities including but not limited to planting, cultivation, irrigation and harvesting of crops.
5. Noises occurring between 7:00 a.m. and sundown caused by construction, repairs or demolition as long as a valid building permit has been issued by the Township and is currently in effect, and provided, such noise is not unduly excessive.
6. Noises occurring between 7:00 a.m. and sundown caused by maintenance of grounds, provided, such noise is not unduly excessive.
7. Noises emanating from the discharge of firearms are excluded, providing the discharge of firearms was authorized under Michigan Law and all local Ordinances.
8. The Birch Run Township Board may issue a permit, within thirty (30) days of the receipt of an application thereof, for a variance from this Ordinance for the purposes of a public or private meeting, concert, parade or other similar event. Application must be received by the Township Clerk at least forty-five (45) days prior to the event.
9. Any noise connected with a business (i.e. racetrack) that meets the established standards for that business and/or complies with all Special Use Permit requirements.

#### SECTION V COMPLAINTS

Complainants shall be required to complete a Birch Run Township Complaint Form, located at the Birch Run Township office.

#### SECTION VI NOTIFICATION TO AND DUTY OF OWNER:

- (A) All violators of this Ordinance, except Section 3 (12), will have thirty days (30) from the date of the notice to comply with all applicable requirements.

- (B) First Notification for Section 3 (12): The Clerk will publish in the *Birch Run/Bridgeport Herald* in March a notice to all property owners within the Township that Tall Grass and Weeds, not cut by May 1 of that year may be cut or removed by the Township and the owner of the property charged a fine and cost for the removal of same.
- (C) Second Notification Section 3 (12): After May 1, the Commissioner shall prepare a list of all property owners who have failed to cut Tall Grass and Weeds, on their property as required in Section 6 (B) above. The Township *may* mail, by *first class mail*, a Second Notification to each property owner on such list, notifying them that they have *ten (10)* days to comply with the Grass/Weed cutting and removal requirements of the Ordinance or they will be subject to the violation and penalty as stated in Section 7 and Section 9 of the Ordinance.
- (D) Duty:
- 1) It shall be the duty of all owners of land on which Tall Weeds, Tall Grass and/or Tall Brush are found to be growing to cut the Tall Weeds, Tall Grass and Tall Brush.
  - 2) It shall be the duty of all owners of land on which Tall Weeds, have been cut to remove the remains from all public sidewalks and streets within the Township of Birch Run.
- (E) Application of Ordinance. This Ordinance shall apply to and cover all Weeds, Grass and Brush found growing in the Township of Birch Run with the following exceptions:
- (1) The entire lot in a platted subdivision shall be maintained within this Ordinance.
  - (2) Other lots and parcels shall be maintained within one hundred feet (100') of a building or other structure, public or private thoroughfare, property line or right of way as determined by the Commissioner.
  - (3) Woodlots shall be exempt from the Weed cutting requirements of this Ordinance up to a height of twenty-four (24) inches.
- (F) Unlawful to permit noxious and tall weeds, tall grass and tall brush; presence thereof a public nuisance. It shall be unlawful for the owner of any lot or parcel adjacent to a public or private street within the Township, to cause or permit to grow on said lots, any Weeds, and to provide for their removal from public streets and sidewalks. The presences of such Weeds, upon such lots, or their remnants cast upon sidewalks or public streets are hereby deemed to be detrimental to the public health, safety and welfare and shall constitute a public nuisance.

SECTION VII  
FAILURE OF OWNER TO COMPLY

If any person shall fail to comply with the provisions of this ordinance, the Township or its authorized representative shall, cause all such noxious weeds and grass to be cut or destroyed upon lands of the persons who have not complied with the provisions of this ordinance. The Township shall keep an account of expenses incurred with respect to each parcel of land which is entered upon in carrying out the provisions of this ordinance. The Township Board shall establish by resolution an hourly rate (a fraction of an hour shall be charged the full hourly rate) and an administrative fee which shall be charged by the Township for carrying out the provisions of this ordinance. In order to reimburse the Township for its expenses in administering the inspection, scheduling and notification procedures required under this ordinance, there shall be an annual one-time fee which shall be charged to the owner. Failure to remit payment within the specified time period shall result in said fine and cost placed as a tax lien on said parcel.

SECTION VIII  
COLLECTION OF COST FROM OWNER

A copy of the account as provided in Section VII, including an account of the costs incurred on each of the several descriptions or parcels of property shall be transmitted to the Township Treasurer. Such amount shall be a lien against the premises, to be enforced in the manner provided by the general laws of the State of Michigan for the enforcement of tax liens.

SECTION IX  
CIVIL INFRACTION

- A. A person who has violated, or continues to violate, any provision of this ordinance shall be responsible for the violation punishable as a civil infraction, with a fine of not more than \$100.00 per parcel. Each day that a violation continues shall constitute a separate violation.
- B. The Township is hereby authorized to issue municipal civil infraction citations under this ordinance, directing alleged violators to appear in court, or to issue municipal civil infractions notices directing alleged violators to appear at the Township of Birch Run Violations Bureau as provided under the ordinances of the Township.
- C. A civil infraction shall not be a bar against, or a prerequisite for, taking any other action against a person.

SECTION X  
SEVERABILITY

The several provisions of this Ordinance are declared to be separate; if any court of law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION XI  
EFFECTIVE DATE

This Ordinance shall take effect thirty-days (30 days) following publication, following adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

This Ordinance is declared to have been adopted and amended by the Township Board of the Township of Birch Run, County of Saginaw, Michigan, at a regular meeting held on the 12th day of July, 2011.

Adopted: July 12, 2011

Aye: Cook, Nelson, Marr, Magnus, Trevino, Kiessling

Nay: None

STATE OF MICHIGAN)  
COUNTY OF SAGINAW)

I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Birch Run, Michigan, held on the 12<sup>th</sup> day of July, 2011, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 13<sup>th</sup> day of July, 2011.

\_\_\_\_\_  
Amy Cook, Clerk  
Birch Run Township

Amended \_\_\_\_\_, 2011