

**VILLAGE OF AUGUSTA, MICHIGAN
ORDINANCE NO. 180
NUISANCES**

**THE VILLAGE OF AUGUSTA
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:**

SECTION I
TITLE

This Ordinance shall be known and may be cited as the “Village of Augusta Nuisance Ordinance”.

SECTION II
NUISANCES DEFINED AND PROHIBITED

As used in this Ordinance, “nuisance” means anything that annoys, injures, or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, or obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property. Public nuisances include, but are not limited to, whatever is prohibited by any provision in this Ordinance. No person shall commit, create or maintain any nuisance.

SECTION III
ABATEMENT

Where no other procedure is made specifically applicable by another provision of this Ordinance, any structure, condition, or activity prohibited by this Ordinance may be abated by the Enforcement Officer, the Police Chief or his or her authorized representative in accordance with the following procedure. The Enforcement Officer or Police Chief shall first investigate the existence of the alleged nuisance to determine whether or not a nuisance, as defined above exists and to further determine the person who has created or is committing or maintaining such nuisance. He shall then give notice to the person responsible for the creation, commission or maintenance of such nuisance, specifying in particular the nature thereof, the corrective action to be taken to abate the same and the time limit for abatement of such nuisance, which shall be a reasonable time, but not to exceed fourteen (14) days from the time the notice is served. Such notice shall be served in accordance with Village Policy. If at the expiration of the time limit in such notice, the person responsible for the commission, creation or maintenance of the nuisance has not complied with the requirements thereof, the Enforcement Officer or Police Chief shall carry out the requirements of such notice. The cost of such abatement shall be a debt owed to the Village by the person responsible for the commission, creation or maintenance of such nuisance is attributable to the use, occupancy or ownership of any land or premises within the Village, shall be charged against said premises in accordance with provisions of Village Policy.

SECTION IV
LEGAL AND EQUITABLE REMEDIES

Any action taken by the Village to abate a nuisance shall not affect the right of the Village to institute proceedings against the person committing, creating or maintaining the nuisance in violation of this Ordinance nor affect the imposition of the penalty prescribed for such violation. As an additional remedy, upon application by the Village to any court of competent jurisdiction, the court may order the nuisance to be abated and/or the violation or threatened violation to be restrained and enjoined.

SECTION V
NOISE CONTROL

In order to preserve and protect the public peace, health and safety, no person shall make, continue or cause to be made or continue any unreasonable noise or any noise, which unreasonably annoys or disturbs, does injury to, or endangers the comfort, repose, health, peace, or safety of others within the Village. Each of the following acts is hereby declared to be unreasonable and is prohibited, but this enumeration shall not be deemed to be exclusive:

1. Horns and Signals. The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
2. Radios and Musical Instruments. The playing of any television set, radio, phonograph, cassette player, compact disc player, tape recorder or other electronic sound reproducing or sound amplifying device, or any combination thereof, whether such device is fixed or portable, or any musical instrument whether amplified or not, with such volume that is louder than necessary for the convenient hearing of the person or persons who are in the room, building or chamber in which such machine, device or instrument is being operated or played and who are voluntary listeners. The operation of such machine, device or instrument in such a manner as to be plainly audible at a distance of twenty-five feet between the hours of 11:00 P.M. and 7:00 A.M. of the following day, or fifty feet between the hours of 7:00 A.M. and 11:00 P.M., in any area, whether inside or outside of the dwelling, building or vehicle in which it is located, shall be prima-facie evidence of a violation of this Ordinance.
3. Shouting and Whistling. Yelling, shouting, hooting, whistling or singing or the making of any loud noise on the public streets between the hours of 11:00 P.M. and 7:00 A.M. of the following day, or the making of any such noise at any time so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any person in the vicinity.
4. Hawking. The hawking of goods, merchandise or newspapers in a loud and boisterous manner.
5. Animal and Bird Noises. The keeping of any animal or bird which, by causing frequent or long continued noise, disturbs the comfort or repose of any person in the neighborhood.
6. Whistles and Sirens. The blowing of any whistle or siren, except to give notice of the time, or begin or stop work or as a warning of fire or danger.

7. Engine Exhaust. The discharge into the open air the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises therefrom.
8. Construction Noise. The erection (including excavation), demolition, alteration or repair of any building, or the excavation of streets and highways other than between the hours of 7:00 A.M. and 9:00 P.M., unless a permit is first obtained from the Department of Public Works.
9. Handling merchandise. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.
10. Devices to Attract Attention. The use of any flashing lights, drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention for any purpose.
11. Motor Vehicle Sound System. The operation of or permitting the operation of an electronically amplified sound system in or about a parked or moving vehicle, motorcycle or moped so as to produce sound that is plainly audible at a distance of fifty (50) feet from the vehicle between the hours of 7:00 A.M. and 10:00 P.M. or plainly audible at a distance of twenty-five (25) feet from the vehicle between the hours of 10:00 P.M. and 7:00 A.M. of the following day. This paragraph shall not be applied to any authorized emergency vehicle sounding an audible signal in conformity with applicable law.

SECTION VI EXCEPTIONS

None of the provisions listed above shall apply to or be enforced against:

1. Emergency Vehicles. Any police or fire vehicle of the Village or ambulance while engaged in necessary public emergency business.
2. Highway Maintenance and Construction. Necessary excavations or repairs of bridges, streets or highways by or on behalf of the Village or the State of Michigan during the night, when the public safety, welfare and convenience render it impossible to perform such work during the day.
3. Public Address. The reasonable use of stationary amplifiers or loud speakers in the course of public addresses which are noncommercial in nature.
4. Christmas music and chimes by permit. The use of stationary amplifiers or loudspeakers by any person for the transmission of Christmas music and chimes when authorized by a permit issued upon the authority of the Village Council; all permits so issued shall specify the hours and dates upon which the use of any amplifier or loudspeaker is authorized, and the use thereof shall be limited to the times specified in the permit.
5. Amplifiers. The use of amplifiers primarily for the transmission of music when a permit has been granted by authority of the Village Council on a finding that such transmission contributes to the amenities of the commercial area in which it originates and is not audible in any residential area.
6. School Events. The use of musical instruments or other sounds associated with an authorized school activity.
7. Special Events. A special event which requested and received a waiver of the distances for prima facie evidence of violation from the Enforcement Officer, the Police Chief or his or her designee and does not produce unreasonable noise.

SECTION VII
TELEVISION AND RADIO INTERFERENCE

No person shall knowingly or wantonly operate or cause to be operated any machine, device, apparatus or instrument of any kind between the hours of 6:00 P.M. and 12:00 midnight, which causes or induces preventable electrical interference with television and radio reception within the Village. However, X-ray apparatus may be used for medical purposes or treatment if the apparatus used is not negligently operated and is properly equipped to eliminate or avoid all unnecessary or reasonably preventable interference with a radio reception.

SECTION VIII
SMOKE CONTROL

Dense Smoke Prohibited. No person shall burn leaves, or operate any stove, furnace, boiler, combustion apparatus of any kind, nor shall a person permit the burning of leaves, nor shall a person owning any stove, furnace, boiler, or combustion apparatus of any kind, permit the same to be operated in a manner so as to emit dense smoke and/or the ingredients thereof. However, the emission of dense smoke and/or the ingredients thereof for a period of twenty (20) minutes in any hour, once in every twenty four (24) hours, when a new fire is being kindled, shall not constitute a violation of this Ordinance. Furthermore, the emission of dense smoke and/or the ingredients thereof for a period aggregating eight minutes in any one hour and not exceeding two minutes of continuous emission shall not be deemed a violation of this Ordinance. All open fires must be attended to at all times. The burning of garbage is prohibited.

SECTION IX
STORAGE OF USED APPLIANCES

No person shall permit the open unsheltered storage of any used, stripped, discarded or junked appliance, including, but not limited to, a refrigerator, freezer, stove, oven, washer, dryer or opened water heater. The owner or occupant of any premises upon which the open unsheltered storage of an appliance is made, and the owner or lessee of any appliance involved, shall have the responsibility to promptly remove such appliance into a completely enclosed building or premises authorized for such storage purposes. However, any person may set out an appliance for collection and disposal within the twenty-four hour period following the time it is to be set out, provided that any refrigerator, freezer or other appliance which has a snap lock or magnetic door or other similar closure device has had such door or device removed or otherwise made inoperable.

SECTION X
PENALTY

Whoever violates this Ordinance is responsible for a Civil Infraction and shall be subject to the fines set forth and shall also be subject to the equitable powers of the District Court to enjoin further violations of this ordinance.

SECTION XI
REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION XII
EFFECTIVE DATE

This Ordinance shall take effect upon the date of its publication, which shall be within 15 days after its adoption.

James P. Schultz
Village President

Kaye McAlear
Village Clerk