

AN ORDINANCE TO DEFINE AND PROHIBIT PUBLIC NUISANCES IN THE VILLAGE; PROVIDING FOR THEIR ABATEMENT; PRESCRIBING PENALTIES FOR VIOLATIONS HEREOF AND REPEALING ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE VILLAGE OF MARTIN ORDAINS:

Section 1. This ordinance shall be known and may be cited as "The Public Nuisance Ordinance."

Section 2. -Definitions: For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Village" shall be the Village of Martin, Michigan;

(2) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind;

(3) "Public Nuisance" Whatever 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, alley, highway, or river or stream, or in any way renders the public insecure in life or property, is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this ordinance.

Section 3. No person shall create, maintain or permit to be maintained a public nuisance in the Village.

Section 4. No person shall cause or allow obnoxious odors to be emitted into the open air in such manner as to annoy or offend the public. This prohibition shall apply to the burning of garbage outside of building or dwelling.

Section 5. No person shall engage in the following noise-creating activities:

(a) The sounding of any horn or signal device on any automobile, motorcycle, train or other vehicle while not in motion, except as a danger signal or to give warning or intent to get in motion, or, if in motion, only as a danger signal; the creation by means of such signal devices of any unreasonably loud or harsh sound; and the sounding of any signal device for any unreasonable or unnecessary period of time;

(b) The driving of any automobile, motorcycle or motorbike, with the muffler cut out or the racing of motor so as to cause it to backfire;

(c) The playing of any radio, phonograph, television set or musical instrument in such manner, or in such volume, during the hours between 11:00 P.M. and 7:00 A.M. or at any other time so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office, or of any person in the vicinity; and except as provided in Section 6, the playing at any time of any radio, phonograph, or television on any premises outside of a building or the playing of any radio or phonograph installed in a building or automobile, or a public address system or other similar device so that it annoys people in the street;

(d) Yelling, shouting, hooting, whistling, singing or the making of any other loud vocal noises in the public streets between the hours of 11:00 P.M. and 7:00 A.M., 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, dwelling, hotel, hospital, or other type of residence, or of any persons in the vicinity;

(e) The hawking of goods, merchandise, or newspapers in a loud or boisterous manner;

(f) The keeping of any animal or bird which by causing frequent or long continued noise, shall disturb the comfort or repose of any person;

(g) The creating of loud and excessive noise by the blowing of any whistles or sirens, except to give notice of the time to begin or stop work, or as a warning of fire, or other danger;

(h) The discharging into the open air the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through an efficient muffler or other device which effectively prevents loud or explosive noises therefrom;

(i) The erection (including excavation therefor), demolition, alternation or repair of any building, and the excavation of streets and highways on Sundays; and on other days except between the hours of 7:00 A.M. and 10:00 P.M. Exceptions to this provision may be made by the Village Commission in the case of residential building or alterations to a residence by the owner.

Section 6. Exceptions: None of the terms or prohibitions of the previous section shall apply or be enforced against:

(a) Any police or fire vehicle or any ambulance, while engaged upon necessary emergency business;

(b) Necessary excavations in or repairs of bridges, streets, highways, or any public utility or installation by or on behalf of the Village or any public utility or any agency of the State of Michigan during the night or on Sunday, when public safety, welfare, and convenience necessitate the performance of the work at such time.

(c) The reasonable use of stationary amplifiers or loud speakers for public addresses which are non-commercial in character;

(d) The use of sound amplifiers or other such devices by churches, or other organizations approved by the Village Commission to broadcast Christmas or Easter music for a period not to exceed fifteen (15) days prior to Christmas Day and seven (7) days prior to Easter Sunday, and the ringing of church bells and chimes and the giving of chime concerts between the hours of 7:00 A.M. and 10:00 P.M.

(e) The use of public address systems and other sound amplifiers outside of buildings or upon sound trucks, or cars, between the hours of 7:00 A.M. and 10:00 P.M. for religious, educational and recreational purposes: Provided, that no such sound amplifiers shall be used unless permission to do so has been approved by the Village Commission and a permit issued by it upon the following conditions: That no such permit shall be issued for sound truck operations on Sunday or Christmas Day; That such sound trucks shall not operate within 300 feet of any hospital or convalescent home, or any school during school hours; That the sound from such equipment shall be so regulated as to be audible to people in the street without creating a nuisance.

Section 7.

(a) No person shall place, deposit, throw, scatter, or leave in any street, highway, lane, alley, public place, public square, or on private property any tree trimmings, bush trimmings, grass clippings, leaves, refuse, waste or such other materials; Provided, however, that such materials may be deposited on Village streets at such times and as directed by the Village during designated village-wide clean-up periods or leaf pick-up by the Village.

(b) No person shall transport or dump any refuse, or other waste materials in such a manner as to cause the littering of any stream or public place or on private property or to cause the obstruction of any public ditch, drain, culvert, or gutter;

(c) No person, in removing snow or ice from private property, shall deposit the same on any sidewalk or on the roadway portion of any street, nor in any area between the sidewalk and the curb line, or between the sidewalk and the roadway, except in such area as is adjacent to the property from which the snow is removed, and then only in such quantity as will not create a traffic hazard;

(d) No person shall plant, nor maintain plantings made prior to the effective date of this ordinance, any bush, shrub, or hedge which by its size and location in the area between sidewalk and curb or sidewalk and roadway, creates a traffic hazard or blind corner.

Section 8. Every box elder tree, wherever situated within the Village unless the same be treated so as to effectively prevent its serving as a breeding, feeding or clustering place for box elder bugs, is hereby declared to be a public nuisance and the Village Commission shall order the same removed and destroyed after ten days' written notice to the owner of the property upon which said tree or trees are growing.

Section 9.

(a) No person shall own, keep or harbor any dog within the Village unless such person shall have complied with the laws of the State of Michigan providing for the licensing and registration of such dog.

(b) No person shall own, harbor, or possess any dog four months old or older that does not, at all times when such dog is off the premises of the owner, wear a collar or harness with license tag issued pursuant to the laws of the State of Michigan;

(c) No person shall permit any dog, or other domestic animal, (excepting a cat), including chickens and other fowl, to run or be at large in the public streets, lanes, alleys, courts, or other open public places; nor upon any private premises other than the premises of the owner of the dog, other domestic animal or fowl, without the consent of the owner or occupant of such private premises, provided, however, that any such domestic animal may be lead about outside the premises of the owner thereof on a suitable leash, in the immediate control of a competent person;

(d) No person shall own, keep, harbor or have charge of any dog, either licensed or unlicensed, which has an ugly or vicious disposition, or is dangerous to persons or property. Any dog shall be deemed vicious which has bitten a person, or which by its actions gives indications that it is likely to bite any person;

(e) No person shall own, keep or have charge of any dog, licensed or unlicensed, which by the destruction of property or trespassing upon the property of others becomes a nuisance in the vicinity where kept;

(f) No person shall own, keep, harbor, or have charge of any dog, either licensed or unlicensed, which by loud and frequent barking, howling, or helping, becomes a nuisance in the neighborhood in which such dog is kept;

(g) No person who is the owner, possessor, keeper, or harbinger of any female dog, licensed or unlicensed, shall keep or confine such dog in the Village, while in heat, except when confined within the dwelling of such person or in a building which is approved by the Village Commission;

(h) Every person in possession of any dog, who shall suffer such dog to remain about and on his premises for a period of five days shall be deemed to be the owner thereof for the purposes of this section;

(i) No person shall establish or maintain any boarding kennel, or any breeding kennel, or permit any such kennel to be maintained on any premises owned, leased or occupied by him, within the limits of the Village;

(j) Each violation of the provisions contained in this section shall constitute a separate offense.

Section 10. Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction therefor shall be punished by a fine of not more than Twenty or by imprisonment in the county jail for not more than thirty (30) days, or both such fine and imprisonment in the discretion of the court.

Section 11. Should any phrase, sentence, clause, or section of this ordinance be declared invalid by any court of competent jurisdiction, such invalidity shall not be deemed to invalidate any other part or section of this ordinance which shall continue in full force and effect.

Section 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 13. This ordinance shall take effect and be in force 20 days after its passage and approval.

Passed and approved this 22 day of January, 1963.

Signed Edith Salisbury
Village Clerk

Approved: [Signature]
Village President

This is to certify that on the 26th day of January, 1963, a copy of this ordinance was posted at the Martin State Bank, the Martin Post Office, and Geib's Service Station.

Edith Salisbury