

GENEVA TOWNSHIP NUISANCE ORDINANCE #20
Amendment #3 - May 11, 2004

AN ORDER PROHIBITING NUISANCES WITHIN GENEVA TOWNSHIP

This Ordinance promulgated the 10th day of September, 1991, as amended May 11, 2004, in order to further the public health, peace, welfare, safety and environmental quality of and for the Township of Geneva, Van Buren County, Michigan for the purpose of disposition of any nuisances created within the Township as hereinafter set forth:

Section 1. PURPOSE.

For the purpose of this ordinance, the term "nuisance" is defined to mean any condition or use of premises or building exteriors which is detrimental to the property of others, or which causes or tends to cause the substantial diminution in the value of other property in the neighborhood in which subject premises are located or is unreasonably disturbing or annoying to surrounding persons and properties. "Nuisance" is further defined as any act of any person or group within the township whereby the health, safety or life of any person may be endangered, injured or impaired. Of all such nuisances as further hereinafter defined are hereby declared to be a nuisance and unlawful.

Section 2. GARAGE SALES

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. **Garage Sales.** All sales in Geneva Township entitled "garage sale," "yard sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," or any similar sale of tangible personal property which is advertised or displayed by any means whereby the public at large is or can be made aware of the sale.
- B. **Goods.** Any goods, warehouse merchandise or other property capable of being the object of a sale.

1. GARAGE SALE REGULATIONS:

- A. **Notification to Township Board Required.** It shall be unlawful for any person to conduct a garage sale in Geneva Township without first notifying the Township Supervisor or Clerk, the date, the address and the duration of sale.
- B. **Limitation on Number of Sales Annually.** Any person or address shall only be permitted to have a garage sale three (3) times within a calendar year (1/1 - 12/31) and for no more than four (4) consecutive calendar days each.
- C. **Removal from Public View.** Garage sale items shall not be on public display at any time a garage sale is not in effect. All items shall be removed from public view or they will be considered blight under Ordinance #16 Blight & Blighted Conditions.

3. EXEMPTIONS:

- A. The provisions of Garage Sale shall not apply to or affect the following persons or sales:
 - 1. Persons selling goods pursuant to an order to process of a court of competent jurisdiction.
 - 2. Persons acting in accordance with their powers and duties as public officials.
 - 3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items to not exceed ten (10) in number.
- B. A non-profit charitable, religious, school, or community service organization shall be exempt from the four day period limitation and shall be required to notify the Township Supervisor or Clerk. Garage sale will be allowed for a period of not to exceed 14 days. Such garage sale shall be allowed only once within a calendar year.

Section 3. ANIMALS

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. **Animal** unless otherwise stated the word "animal " as used in this section shall include birds,

fish, mammals and reptiles.

- B. **Dangerous Animals** means any animal that bites or attacks a person or any animal that bites or attacks and causes serious injury or death to another animal while the other animal is on the property or under the control of its owner. However, a dangerous animal does not include any of the following:
1. An animal that bites or attacks a person who knowingly trespasses on the property of the animals owner.
 2. An animal that bites or attacks a person who provokes or torments the animal.
 3. An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.
- C. **Exotic or Wild Animal** shall mean an animal occurring naturally or not occurring naturally in the township, either presently or historically, which animals are normally found in the wild.

1. Enumeration of Certain Violations

It shall be unlawful for:

- A. An owner to allow, knowingly or unknowingly, any animal of any age, licensed or unlicensed, wearing a collar or not wearing a collar, to be unleashed or not in reasonable control of its owner or his authorized agent while leashed, in any place open to the public; provided however, that an animal engaged in hunting or farming need not be leashed when under the reasonable control of its owner; or when engaged in a Township sponsored public safety activity or Township sponsored demonstration event.
- B. An owner to allow, knowingly or unknowingly, any animal of any age, licensed or unlicensed, wearing a collar or not wearing a collar, except a leader dog accompanied by its owner, to be within the confines of any public park when such park, by appropriate designation at its entrance, prohibits dogs.
- C. An owner to allow, knowingly or unknowingly, any animal of any time, licensed or unlicensed, to destroy property, real or personal, or to trespass in a damaging way on property of persons other than the owner.
- D. An owner to allow, knowingly or unknowingly, any animal of any time, licensed or unlicensed, to attack or bite a person. Any animal to show vicious habits and molest passerby when such persons are lawfully on the public highway or right of way.
- E. Any person to own or harbor any animal which, by loud and frequent barking, howling or yelping, is a nuisance in the neighborhood in which said animal is kept, possessed or harbored.
- F. Any person to remove a collar or tag from any dog or other animal without the permission of its owner, or to decoy or entice any dog or other animal out of an enclosure or off the property of its owner, or to seize, molest or tease any dog or other animal while held or led by any person or while on the property of its owner.
- G. Any person to possess, harbor, breed exchange, buy or sell, any of the following exotic or wild animals.
 1. Wolf means an animal of the species *Canis rufus* or *Canis lupus*, but does not include an animal of species *Canis lupus familiaris*; Wolf-dog cross means a canid resulting from the breeding of any of the following: Wolf-dog cross; a wolf with a dog; a wolf-dog cross with a wolf; a wolf-dog cross with a dog; a wolf-dog cross with a wolf-dog cross.
 2. Cats from the wild family, including but not limited to, bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas or tigers.
 3. Bears and any other dangerous animal.

2. Exceptions

- A. Exceptions to this ordinance shall be as follows: Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums, wildlife sanctuaries, nature preserves, circuses and bona fide scientific, medical or educational research facilities.

Section 4. ANTI-NOISE REGULATIONS

No person, firm, or corporation shall cause or create any unreasonable or improper noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the Township of Geneva.

- A. The following noises and disturbances are hereby declared to be a violation of this ordinance; provided, however, that the specification of the same is to hereby to be construed to exclude other violations of this ordinance not specifically enumerated:
1. The sounding of any horn or signal devices on any automobile, motorcycle, bus, or other vehicle for any purpose other than to avoid an accident or collision.
 2. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of other persons.
 3. 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 annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
 4. The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort and repose of any person in the vicinity.
 5. The operating 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, exhausting, or other noise disturbing to the quiet, comfort or repose of any persons.
 6. The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger, or for other purposes upon special permit therefor from the Township Board.
 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 exploding noises resulting therefrom.
 8. The erection, excavation, demolition, alternation or repair of any building or premise in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to the persons, other than between the hours of 6:00 a.m. and 9:00 p.m. on any day, except in cases of urgent necessity in the interest of public health and safety, upon receipt of a permit therefor from the building inspector of the Township which permit shall specify that the activity may continue.
 9. The emission creation of any excessive noise on any street which unreasonably interferes with the operation of any school, church, hospital or court.
 10. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the loading or unloading of any vehicle, trailer, box car, or other carrier or in connection with the opening or destruction of bales, boxes, crates, or other containers.
 11. The use of any drum, loudspeaker, or other instrument or sound amplifying device for the purpose of attracting attention to any performance, show, sale or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
 12. The operation of any racetrack, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate before 8:00 a.m. or after 6:00 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday of any week, or on any Sunday before 1:00 p.m. or after 6:00 p.m.
 13. This section shall not apply to non-profit charitable, religious, school, or community service organizations that hold outdoor events that occur on property owned by the non-profit charitable, religious, school, or community service organization except they shall not operate before 8:00 a.m. or after 6:00 p.m. on Monday, Tuesday, Wednesday,

Thursday, Friday, Saturday of any week, or on any Sunday before 1:00 p.m. or after 6:00 p.m.

- B. None of the prohibitions herein before enumerated shall apply to any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

Section 5. OUTDOOR FESTIVAL REGULATIONS

Geneva Township requires the regulation of assemblages of moderate numbers of people to insure the orderly conducting of such events and to minimize the impacts such events have on nearby property owners and Township residents.

A. DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **Attendant.** An “attendant” means any person who is admitted to an outdoor festival or similar event whether admission is granted in consideration of the payment of money, services rendered, or freely.
2. **Outdoor Festival or Festival Event** means any event attended by more than 250 attendants all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement festival, concert, art and craft show, or other exhibition, but does not include any event held entirely within the confines of a permanent enclosed structure or a parade. For purposes of this Section “outdoor festival or festival event” does not include those outdoor or partially-outdoor gatherings connected with a residential use or utilizing residential facilities such as wedding receptions, open houses, family reunions and other familial events. The word “festival” need not be included in the title of the event in order to require regulation of such event hereunder.
3. **Person** means any natural person, partnership, corporation, association or organization.
4. **Sponsor** means any person who organizes, promotes, conducts or causes to be conducted an outdoor festival or festival event.

B. PROHIBITION

A person shall not sponsor, operate, maintain, conduct or promote an outdoor festival or festival event in Geneva Township except under the following conditions:

1. The event shall occur no more than six (6) consecutive days.
2. Events regulated hereunder shall occur on the same parcel for no more than six (6) days within any calendar year.
3. The event shall not take place between the hours of 12:00 a.m. and 8:00 a.m.
4. The event shall not materially interfere with traffic circulation, required off-street parking, loading areas, or pedestrian safety and if located within a parking area shall be cordoned off to prevent pedestrian/vehicular conflicts.
5. Adequate parking and ingress/egress for persons in attendance at the event shall be provided on and/or off-site. At a minimum, the person or sponsor shall provide not less than one (1) parking space for every four (4) person (including employees and support staff) anticipated to be in attendance at the event. Parking spaces shall be at least ten feet wide and fourteen feet long.
6. Setbacks for all temporary structures and displays shall meet all requirements for the set back ordinance within which the event is proposed to be located.
7. The event shall have a minimum setback of 100 feet from any residential dwelling on neighboring properties.
8. Toilet facilities, refuse containers and security personnel shall be provided in adequate number to reasonably accommodate the amount of people anticipated at the event. Refuse containers shall be located so as to be readily accessible to persons in attendance at the event.
9. All lighting for the event shall be directed away and shielded from adjacent residential areas.
10. The event shall not generate noise of such a volume or character so as to unreasonably disturb the occupants within the vicinity of the subject property.

11. The event shall be conducted in compliance with all applicable requirements of state law and township ordinances.
12. This section shall not apply to non-profit charitable, religious, school, or community service organizations that hold outdoor festivals or festival events that occur on property owned by the non-profit charitable, religious, school, or community service organization.

Section 6. VIOLATIONS

- A. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- B. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgement, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relieve in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

Section 7. PENALTY

Any person, firm, corporation, or organization which violates or fails to comply with the provision of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$500 and costs of prosecution or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or by both fine and imprisonment in the discretion of the Court. Each day that a violation of this Ordinance exists shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

Section 8. CONFLICTING ORDINANCES

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

Section 9. EFFECTIVE DATE

Amendment #3 of this Ordinance #20 adopted this 11th day of May, 2004. This amendment wording shall replace and supersede contents of Ordinance #20 amendment #2 adopted April 10, 2001. Effective upon adoption by Township Board.

Motion to adopt Ordinance #20 amendment #3 by Bridgette Gumpert seconded by Robert Trowbridge.

Roll Call vote:

Yes: 5 Whaley, Gumpert, Primmer, Trowbridge, Funk
 No: 0
 Absent: 0

Adopted this 11th day of May, 2004

<u>Nancy Ann Whaley</u>	<u>Supervisor</u>
<u>Bridgette Gumpert</u>	<u>Clerk</u>
<u>M. Jeffery Primmer</u>	<u>Treasurer</u>
<u>Robert Trowbridge</u>	<u>Trustee</u>
<u>Norman Funk</u>	<u>Trustee</u>

Ordinance #20 adopted September 10, 1991
 Amendment #1 - September 2, 1992
 Amendment #2 - April 10, 2001
 Amendment #3 - May 11, 2004.