VILLAGE OF NASHVILLE

BARRY COUNTY MICHIGAN

ORDINANCE # 06-09-2022

AN ORDINANCE ESTABLISHING THE REGULATION OF ACCUMULATION OF JUNK, TRASH, VEHICLES AND RUBBISH

THE VILLAGE OF NASHVILLE ORDAINS:

SECTION 1. FINDING OF FACTS

The unregulated storage or accumulation on private property of junk, rubbish or trash, garbage, building materials, abandoned or inoperable vehicles is detrimental to the general welfare of the public in that such practices cause or contribute to the deterioration of neighborhoods and promote neighborhood blight and further that certain of such practices are hazardous to the public health and safety in that they create harborage for vermin and other pests, cause or contribute to the spread of diseases and constitute fire hazards, and that the public good requires that such practices be prohibited.

SECTION 2. DEFINITIONS

For the purpose of this ordinance, the following words, terms and phrases, shall have the meanings ascribed to them below except where the context clearly indicates a different meaning:

BUILDING MATERIALS means materials or remnants of materials used in the construction, improvement or renovation of buildings or structures including, but not limited to, lumber, brick, or mortar.

CODE ENFORCEMENT OFFICER means any Village employee or agent so appointed by the Village Council, as well as the Barry County Building Official. Deputy code enforcement officers may be appointed at the Village Council’s discretion.

GARBAGE means organic refuse or rejected food wastes in the form of putrescible animal, fruit or vegetable wastes.

JUNK means discarded materials of any kind, whether or not the materials could be put to any reasonable use, or materials which are incapable of performing the function for which they were manufactured or intended including, but not limited to whole or parts of vehicles, machinery, equipment, unusable furniture, rubbish or trash, etc.

PERSON means any person or firm, of whatever nature, as well as their agents, or employees. A person in violation of any of the provisions of this ordinance, whether as owner, an agent or employee of an owner and any tenant or occupant of the premises shall be equally liable as principals.

RUBBISH or TRASH means no non-decaying solid waste, consisting of either combustible or noncombustible materials, such as, but not limited to, ashes, household good, food containers, yard waste and debris, bedding, boxes, toys, and similar items as well as the residue left from burning of paper, leaves, wood, coal or other combustible materials.

VEHICLE.

(1) The term "vehicle" means an automobile, truck, bus, motor home, motorized camper, motorcycle, tractor, snowmobile, or off-road vehicle; and any other device which is mechanically powered to be self-propelled by gasoline, diesel fuel, electricity or other means, except human or animal power.

(2) The term "inoperable vehicle" means a vehicle which is incapable of performing the function for which it was manufactured because of damage, missing or malfunctioning parts or equipment or for any other reason. The term "inoperable vehicle" includes junk vehicles and scrap vehicles as well as a vehicle which is not licensed for lawful use and operation.

SECTION 3. UNLAWFUL STORAGE, ACCUMULATION

Subject to the provisions of this ordinance, it shall be unlawful for a person to place, store, accumulate or allow to be placed or stored or to be accumulated on any property within the Village the following:

(1) Building materials, except in a completely enclosed building or in instances where the materials are being used or are awaiting use in the construction of a structure on the property to be completed within a reasonable time and in accordance with a valid building permit issued by the city, and except building materials which constitute a part of the stock in trade of a business located on a property which is zoned for such business or use.

(2) Ashes, household or yard waste, rubbish or trash, except for such reasonable periods of time as such await regular, systematic removal and disposal in accordance with law. Such materials while awaiting removal and disposal shall be temporarily stored in a completely enclosed building, with the exception of yard waste which may be temporarily stored either in an enclosed building or at a location on the property where it is as much concealed from public view as practicable.

(3) Any junk, except within a completely enclosed building and except as provided by law upon the premises of a duly licensed and approved junk dealer, junk buyer, dealer in new or used automobiles or automobile parts or dealer in secondhand goods on a property which is zoned for such use or activity.

(4) Any inoperable vehicle, except in a completely enclosed building or concealed with a securely fastened fitted cover manufactured for that purpose.

(5) Any garbage or of kitchen or personal rubbish or trash, except in a completely enclosed building and contained in metal or plastic containers manufactured for the temporary storage of such materials for reasonable periods of time as the materials await regular, systematic removal and disposal in accordance with law, is determined to constitute a nuisance per se and to pose a present hazard to the public health and safety so as to require either immediate or prompt removal and disposition.

SECTION 4. UNLAWFUL DISMANTLING OF VEHICLES, MACHINERY OR APPLIANCES.

1. It shall be unlawful for any person to dismantle, disassemble, cut up or remove the parts from any vehicle or any machinery or appliance on private property except in a completely enclosed building.
2. Basic maintenance of a vehicle on private property is allowed, up to thirty (30) consecutive days.

(c) This section shall not apply to the property of a licensed junk dealer, junk buyer, dealer in automobile parts or dealer in secondhand goods, provided the property is zoned for such use or activity; neither shall this section apply to a property of a licensed vehicle service station or vehicle repair shop, provided the property is zoned for such use or business.

SECTION 5. PENALITIES AND ENFORCEMENT

 Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of $50 for a first violation, $150 for a second violation and $300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than $9.00 and not more than $500.

Section 6. Repealer

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective twenty (20) days after its adoption or upon its publication, whichever occurs later.

PASSED: 06-09-2022

YEAS: Courtney, Priddy, Hartwell, Felder, Hodge, Callton and Kenyon
NAYS: None
ABSENT: None

Ordinance No. 06-09-2022

Mike Kenyon, Village President Kayce Nelson, Village Clerk

I, Kayce Nelson, the Clerk for the Village of Nashville, Barry County, Michigan, hereby certify that the forgoing is a true and accurate copy of an ordinance adopted by the village council of the Village of Nashville at a regular meeting held on June 9th 2022.

Kayce Nelson, Village Clerk