

CODIFIED ORDINANCES OF SHELBY  
PART SIX - GENERAL OFFENSES CODE

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CODIFIED ORDINANCES OF SHELBY  
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CHAPTER 610  
Animals

610.01	Running at large.	610.04	Dangerous and exotic animals.
610.02	Barking or howling dogs.	610.99	Penalty.
610.03	General animal regulations.		

CROSS REFERENCES

Animal pounds - see CHTR. Ch. VII, §3; M.C.L.A. §§123.301  
et seq., 750.70

Animal diseases generally - see M.C.L.A. §§287.2 et seq.

Animals generally - see M.C.L.A. §§287.2 et seq., 750.49 et seq.,  
752.21 et seq.

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**610.01 RUNNING AT LARGE.**

(a) Dogs.

- (1) No person who owns or who has any interest in the possession or control of a dog within the corporate limits of the Village shall allow or permit such dog to run at large or to leave the premises owned or leased by such person, whether such dog is licensed or unlicensed, provided, however, that it shall be lawful for any person to allow such dog to leave such premises when the dog is on a leash and is under the control of any person at all times while off such premises.

- (2) The Village Council shall contract with the County for the services of an Animal Control Officer to provide the confinement of animals found unlawfully going at large in said Village.
- (3) Any dog found running at large, whether licensed or unlicensed, in violation of this section, shall immediately be taken by the Animal Control Officer or by any duly appointed police officer of the Village, to the dog pound. The owner of such dog, or any other person having lawful right to do so, shall have the privilege within seven days after said dog has been placed in said dog pound, to take said dog from said dog pound by paying the Oceana County Animal Control Officer his or her fees established for each day or part of a day that said dog has been confined in said dog pound, and furnishing proof of said payment to said Animal Control Officer.
- (4) In the event that such dog so placed in said dog pound is uncalled for by the owner thereof or any person claiming an interest therein, within the period of seven days after the placement of such dog in said dog pound, then and in that event said Animal Control Officer is hereby empowered to forthwith kill or otherwise dispose of said dog, and said Animal Control Officer shall properly dispose of the carcass.
- (5) The Animal Control Officer shall keep a proper record of all dogs impounded under the provisions of this section, including, but not limited to, the description of such dogs, the place where such dogs were taken into possession, the date of the impounding thereof, the name of the owner thereof, if the same can be readily ascertained from the license on said dog or other identification found thereon and the number of days said dog was impounded. Such record shall be filed quarterly with the Village Treasurer. In the event that the name of the owner of said dog shall be ascertained from the license or other identification found on said animal, said owner shall be notified by depositing notice thereof in the U.S. mail, addressed to said owner.
- (6) Nothing in this section contained shall be construed as limiting the common law liability of the owner of a dog, or by any person having lawful possession thereof, for damages incurred by any person, firm or corporation occasioned by such dog.  
(Adopting Ordinance)

(b) Other Animals and Fowl. Except as otherwise provided in subsection (a) hereof, no person shall permit any animal or fowl to run at large in the Village or stray off such person's premises.

(Ord. 4. Passed 6-27-1892; Ord. 2008-001. Passed 8-11-08.)

#### **610.02 BARKING OR HOWLING DOGS.**

No person having a right of property in a dog or other animal, no person who keeps or harbors a dog or other animal or has it in his or her care and no person who permits a dog or other animal to remain on or about any premises occupied by him or her shall suffer or permit such dog or other animal to disturb the peace and quiet of the neighborhood by barking or by making other loud or unusual noises.

(Ord. 154. Passed 10-24-77.)

#### **610.03 GENERAL ANIMAL REGULATIONS.**

(a) The keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of permitted uses or special land uses, subject to the requirements of this section.

(b) The provisions of this section shall not be construed to supersede or be in conflict with the provisions of the Village of Shelby Zoning Code. The Village Zoning Code shall take precedence over the provisions of this section should there be a conflict between this section and the Village Zoning Code.

(c) No person who owns, or who may have any interest in the possession or control of animals within the corporate limits of the Village, shall allow or permit the keeping of more than two dogs and/or more than two cats, if such animals are of the age of six months or older within their premises.

(d) Raising and keeping of fowl or rabbits or other small animals for pets shall not exceed a total of three on any lot of less than one acre.

(e) One cow, one pig, or any other hoofed livestock may be allowed on lots exceeding one acre, for each acre comprising the lot, however, such animals, regardless of the size of the lot in excess of one acre, shall not exceed a total of five animals.

(f) Lots of two acres may have one horse. A lot in excess of two acres but less than five acres may have one additional horse, not to exceed two horses total.

(g) There shall be no limitation on the number of animals allowed for lots greater than five acres.

- (h) A horse riding stable shall not be operated on a lot of less than five acres.
- (I) Animal clinics and veterinary hospitals shall not be restricted as to size provided that the operation of such business is not in conflict with the Village Zoning Code.
- (j) Owners of animals other than house pets maintained outside of the premises shall provide a fence of such construction as to safely maintain the animals within the closure.
- (k) A building, pen or other structure housing animals under this section, shall be a minimum of thirty feet from an adjoining neighbor's residence, and shall be six feet from the nearest property line.
- (l) All animals kept in the Village shall be subject to the following:
- (1) Proper housing;
  - (2) Appropriate food;
  - (3) Necessary veterinarian care including immunizations;
  - (4) Proper restraints, including, but not limited to fencing, chains, or cable to prevent the animal from leaving the premises.
- (m) All animal owners or persons in possession of animals, or in control of animals, shall be responsible for the clean-up of animal feces on the premises as well as off the premises. Clean-up shall be undertaken promptly.  
(Ord. – . Passed 4-23-01.)

#### **610.04 DANGEROUS AND EXOTIC ANIMALS.**

Any animal, mammal, amphibian, reptile or fowl which, due to size, innate vicious nature or similar characteristics which would constitute a danger to human lives, physical well-being or damage to property shall not be maintained on any lot in the Village. Such animals include, but are not limited to the following:

- (a) Lions, tigers, leopards, panthers, bears, wolves, apes, gorillas, monkeys of a species where average adult weight exceeds twenty pounds, foxes, elephants, alligators, crocodiles, snakes:
- (1) Poisonous snakes;
  - (2) Snakes defined as constrictors.
- (b) Any animal having a disposition or propensity to attack, bite, or in any other manner cause harm to persons or other animals without provocation.  
(Ord. – . Passed 4-23-01.)

**610.99 PENALTY.**

Any person, whether as a principal, agent, employee, independent contractor, corporation, firm, or other entity, or otherwise violating or causing or permitting a violation of any of the provisions of this chapter may be found guilty of a misdemeanor by a court of competent jurisdiction and upon conviction thereof, shall be liable for punishment by:

- (a) A fine of not more than five hundred dollars (\$500.00);
- (b) By imprisonment for not more than ninety days; or
- (c) By both such fine and imprisonment; or
- (d) Found responsible by their own admission (at the Village Violation Bureau, or in a court of competent jurisdiction), or by the finding of a court of competent jurisdiction of a municipal infraction. Municipal civil infractions shall be subject to a fine up to five hundred dollars (\$500.00).  
(Ord. – . Passed 4-23-01.)





**620.99 PENALTY.**

Any person, whether as a principal, agent, employee, independent contractor, corporation, firm, or other entity, or otherwise violating or causing or permitting a violation of any of the provisions of this chapter may be found guilty of a misdemeanor by a court of competent jurisdiction and upon conviction thereof, shall be liable for punishment by:

- (a) A fine of not more than five hundred dollars (\$500.00);
- (b) By imprisonment for not more than 90 days; or
- (c) By both such fine and imprisonment; or
- (d) Found responsible by their own admission (at the Village Violation Bureau, or in a court of competent jurisdiction), or by the finding of a court of competent jurisdiction of a municipal infraction. Municipal civil infractions shall be subject to a fine up to five hundred dollars (\$500.00).  
(Ord. 01-2015. Passed 10-12-15.)

CHAPTER 636  
Hazardous Materials Incidents

636.01	Purpose, intent and scope.	636.05	Voluntary collection of costs.
636.02	Definitions.	636.06	Civil actions and other remedies.
636.03	Responsibility for removal and remedial action.	636.07	Special assessment.
636.04	Reimbursement of costs.		

CROSS REFERENCES

Health and sanitation generally - see Mich. Const., Art. 4, § 51;  
M.C.L.A. §§ 750.466 et seq.  
Storage and handling of hazardous materials - see CHTR.  
Ch. X, § 6  
Nuisances generally - see M.C.L.A. §§ 600.3801 et seq.  
Public safety generally - see M.C.L.A. §§ 750.493 et seq.

**636.01 PURPOSE, INTENT AND SCOPE.**

It is the purpose of this chapter to provide for the reimbursement of extraordinary expenses incurred by the Village in order to clean up or abate the effects of any hazardous material deposited or discharged upon or into property or facilities within the Village to preserve the public health. The authority to recover the extraordinary expenses shall not include services which are normally or usually provided by the various departments of the Village. The remedy provided for herein shall be in addition to any other remedies provided for by law.

(Ord. 167. Passed 8-13-90.)

## 636.02 DEFINITIONS.

For the purposes of this chapter, the terms used herein are defined as follows:

(a) **ENVIRONMENT:** Any surface water, groundwater, drinking water supply, land surface or subsurface strata or ambient air within the Village, whether public or private.

(b) **EXTRAORDINARY EXPENSE:** Expenses and those related costs and fees that are incurred by the Village for any extraordinary service, including, but not limited to, the Village's actual cost of labor and materials associated with the use of any specialized extinguishing or abatement agent, chemical, neutralizer or similar equipment (equipment damage) or materials that are employed to extinguish, confine, neutralize, contain or clean any hazardous material that is or may be involved in a fire, accidental spill or the threat of any fire or accidental spill. Extraordinary expenses include, but are not limited to, actual costs of personnel, such as salary, worker's compensation benefits, fringe benefits, administrative overhead and medical monitoring, equipment operation, maintenance and replacement, rental or leasing of equipment used for a specific response, special technical services, laboratory costs, services and supplies contracted or purchased for a specific response and any other costs authorized by State or Federal law.

(c) **EXTRAORDINARY SERVICE:** One performed by the Fire Department, Police Department, Public Works Department or any other Village department (or any person contracted or hired by the Village for the purpose of responding to the release or threatened release of a hazardous material) that, in the judgment of the Village, is additional to or above the normal services provided by such departments or division. Extraordinary services may include, but are not limited to, crowd safety, security and traffic control; evacuation and emergency housing, the abatement and disposition of hazardous and harmful materials, spills or the threat of spills of toxic or hazardous gases, utility line breaks or leakages; other imminent or perceived or possible threats to the health, safety or welfare of the Village residents that may be detailed or contemplated as an extraordinary expense as defined above; and those instances where a property owner has been previously warned about violations of these Codified Ordinances that, in the judgment of the Village, are a particular threat to the health, safety or welfare of the Village residents and for which the owner (or owner's agent or person in charge of the property) has neglected to comply or has refused compliance therewith.

(d) **HAZARDOUS MATERIAL:** Any material defined, listed, characterized or classified as a hazardous material, hazardous substance, hazardous waste or toxic substance according to any of the following State or Federal codes or regulations:

(1) A “regulated substance” as defined by MSA §13.29(71) (k), MCL §299.701(k) (Registration of Underground Storage Tanks).

(2) Title 40, Code of Federal Regulations, Part 261 (Identification and Listing of Hazardous Wastes).

(3) Title 40, Code of Federal Regulations, Part 302.4 (Designation of Hazardous Substances).

(4) Title 40, Code of Federal Regulations, Part 355, Appendices A and B (List of Extremely Hazardous Substances).

(5) Title 49, Code of Federal Regulations, Parts 172.101 and 172.102 (Hazardous Materials Tables).

Hazardous material includes any solution, mixture or formulation containing such material and any material which, due to its chemical or physical characteristics, is determined by the Village to pose a substantial threat to the life, health or safety of persons or property or to the environment. The term includes, but is not limited to, explosives, radioactive materials, petroleum products, gases, poisons, etiologic (biologic) agents, flammables and corrosives.

(e) **PERSON:** An individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, governmental entity or any other legal entity.

(f) **RELEASE:** Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of hazardous materials into the environment (including the abandonment or discarding of barrels, containers and other closed receptacles containing hazardous material) in such a manner as to endanger the public health or welfare or the environment or in violation of any Federal, State or local law, rule, regulation or order. Such release may be accidental or willful, sudden or gradual.

(g) **REMEDY OR REMEDIAL ACTION:** Those actions consistent with a permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of hazardous material into the environment to prevent or minimize the release of hazardous materials so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage; confinement; perimeter protection using dikes, trenches or ditches; clay cover; neutralization; cleanup of released hazardous materials or contaminated materials; recycling or reuse; diversion; destruction; segregation of reactive wastes; dredging or excavations; repair or replacement of leaking containers; collection of leachate and runoff; on-site treatment or incineration; provision of alternative water supplies and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment.

(h) REMOVE AND REMOVAL: The cleanup or removal of released hazardous materials from the environment, including such actions as may be necessary to take in the event of the threat of release of hazardous materials into the environment; such actions as may be necessary to monitor, assess and evaluate the release or threat of release of hazardous materials; the disposal of removed material or the taking of such other actions as may be necessary to prevent, minimize or mitigate damage to the public health or welfare or to the environment which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for and any emergency assistance which may be provided.

(I) RESPOND OR RESPONSE: Any activity taken to remove or remedy the effects of a release or threatened release of a hazardous material, including any enforcement activities related thereto.

(Ord. 167. Passed 8-13-90.)

#### 636.03 RESPONSIBILITY FOR REMOVAL AND REMEDIAL ACTION.

Any person responsible for the release of hazardous material shall immediately institute and complete all action necessary to remove and remedy the effects of such release. The Village is authorized to respond to the release of a hazardous material in accordance with the applicable State and Federal law and in the following circumstances:

- (a) At the request of another governmental agency;
- (b) When the person responsible for a release does not take immediate action to remove and remedy the effects of such release;
- (c) When a release occurs on private property and the person responsible cannot be identified, located or notified;
- (d) When the Village President or his or her designee determines that such response is reasonably necessary under the circumstances to protect the public health, safety or welfare or the environment.

(Ord. 167. Passed 8-13-90.)

#### 636.04 REIMBURSEMENT OF COSTS.

Except as otherwise provided by law, any person responsible for the release of a hazardous material shall reimburse the Village for all costs incurred by the Village or the Fire Department in response to such release.

(Ord. 167. Passed 8-13-90.)

#### 636.05 VOLUNTARY COLLECTION OF COSTS.

The Village Treasurer shall collect all fees as follows:

(a) Within thirty days of the date of the extraordinary or dangerous occurrence giving rise to the extraordinary service, the affected department shall submit its extraordinary expenses to the Village Treasurer for review. At such time as all extraordinary expenses have been submitted to and reviewed by the Village Treasurer, but in any case no later than sixty days from the date of the rendering of the extraordinary services, the Village Treasurer shall send a bill of consolidated extraordinary expenses to the property owner, agent or manager with a demand that a full remittance be made within thirty days of receipt of the bill.

(b) It is contemplated that local, State or Federal agencies may bill, fine or penalize the Village for matters (including, but not limited to, cleanup cost, fee or expense) relating to an extraordinary or dangerous occurrence; and the Village Treasurer shall, when possible, include any and all such costs or fees in the consolidated bill sent to the property owner. The Village shall not, however, waive any right to collect such local, State or Federal costs if they are not included with the consolidated bill and are not charged to the property owner or his or her agent within the consolidated billing sixty-day period. In this regard, the Village Treasurer shall expect reimbursement of all local, State or Federal costs within thirty days of the owner's (or his or her agent's) receipt of the bill for these particular costs, fees, etc.

(c) In cases of hardship or where circumstances are such that a full remittance cannot be made to the Village within the thirty-day period, the office of the Village Treasurer is hereby authorized to enter into negotiations with the property owner or his or her agent for an extended payback period of time not to exceed six months and for which the Village may charge.

(d) All monies received under the provisions of this section shall be placed in an account established for the express purpose of reimbursing the various departments for those actual extraordinary expenses necessary to furnish fire, police and other emergency public safety or protection provided by the Village or the Fire Department as outlined herein. (Ord. 167. Passed 8-13-90.)

#### 636.06 CIVIL ACTIONS AND OTHER REMEDIES.

The Village may enforce these provisions by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus attorneys' fees or for any other relief that may be appropriate.

This chapter shall not prohibit the village from pursuing any other remedy, whether civil or criminal, or from instituting any appropriate action or proceeding, including injunction, in a court of competent jurisdiction. Nor shall the recovery of extraordinary expenses under this chapter in any way release the various parties or limit them from legal liability incurred as a result of hazardous material cleanup or abatement as defined under any local, State or Federal rule or regulation. (Ord. 167. Passed 8-13-90.)

**636.07 SPECIAL ASSESSMENT.**

The Village Council may order that the cost described in Section 636.05 be assessed against the real property upon which the hazardous material was released as a special assessment. The report to the Village Council of expenses incurred by the Village or the Fire Department under this section shall include a description of the lot or premises on or in respect to which the expense was incurred, the name of the owner and the cost of services performed. The Village Council may order the Village Treasurer, in cooperation with the Township Assessor, to spread the cleanup costs against the real property chargeable on the next tax roll for the collection of Village taxes. (Ord. 167. Passed 8-13-90.)





**CHAPTER 640**  
**Inoperable Motor Vehicles**

640.01	Short title.	640.07	Denial of revocation of permit; hearing; review.
640.02	Definitions.	640.08	Public nuisance per se.
640.03	Prohibition of outdoor storage.	640.09	Abrogation and purpose.
640.04	Notice of violation.	640.99	Penalty.
640.05	Exceptions.		
640.06	Permits.		

**CROSS REFERENCES**

Stolen and recovered motor vehicles - see TRAF.

410.04 (UTC §2.5)

Abandoned vehicle procedures - see TRAF. 410.04

(UTC §§2.5a et seq.)

Vehicle equipment - see TRAF. Ch. 430

Storage of junk - see GEN. OFF. 670.03

**640.01 SHORT TITLE.**

This chapter shall be known and may be cited as the “Inoperable Vehicle Chapter.”  
(Ord. 173. Passed 7-25-94.)

**640.02 DEFINITIONS.**

In the interpretation of this chapter, the following definitions shall apply, except where the context clearly indicates that another meaning is intended:

- (a) The following words shall be defined as set forth in Chapter I of the Michigan Vehicle Code, Act 300 of the Public Acts of 1949, as amended:

Farm tractor	Highway	Registration
Motor vehicle	Owner	Special mobile equipment
Salvage vehicle	Street	
Vehicle	Implement of husbandry	

- (b) As used in this chapter:
- (1) “Dismantled equipment” shall mean inoperable special mobile equipment from which a part or parts have been removed; and the term shall include within its meaning all parts, including wheels and tracks, that have been removed from the special mobile equipment.
  - (2) “Dismantled vehicle” shall mean an inoperable vehicle from which a part or parts have been removed; and the term shall include within its meaning all parts, including tires, wheels and batteries, that have been removed from a vehicle of any type.
  - (3) “Inoperable special mobile equipment” shall mean special mobile equipment, implements of husbandry and/or machinery normally used for construction purposes, including bulldozers, backhoes and tractors (whether wheeled or tracked), farm field and orchard tools, paving equipment and construction equipment, which, by reason of accident, neglect, mechanical condition, disrepair or other cause, is apparently not in an operational or safe condition.
  - (4) “Inoperable vehicle” shall mean any salvage vehicle and any vehicle, which, by reason of accident, neglect, mechanical condition, disrepair or other cause, is apparently not in an operational or safe condition as required by Section 683 of the Michigan Vehicle Code, as amended. “Inoperable vehicle” shall also mean any motor vehicle required to be registered by the Michigan Vehicle Code if operated on the public streets, which does not have displayed on the vehicle currently valid registration; and any vehicle, other than a motor vehicle, which does not have displayed on the vehicle registration which has been valid within the prior six months.
  - (5) “Person” shall mean any private individual, firm, partnership, company, corporation, entity or private organization of any kind.
  - (6) “Private premises” shall mean any lot or parcel of land owned by a person, whether or not improved with a structure of any kind, and whether or not inhabited or occupied, and shall include any yard, grounds, walks, driveways, porches or steps belonging or appurtenant to any structure thereon.
  - (7) “Public place” shall mean any highway, street, sidewalk, alley, berm or terrace, or other public way; and any and all parks, squares, spaces, grounds and buildings owned by or the use of which is dedicated to any governmental entity.
- (Ord. 173. Passed 7-25-94.)

**640.03 PROHIBITION OF OUTDOOR STORAGE.**

(a) No person shall, anywhere within the Village of Shelby, for a period in excess of 72 hours, park, keep, maintain, accumulate or permit to remain on private premises or in a public place, an inoperable motor vehicle or inoperable special mobile equipment, unless such vehicle or equipment is housed entirely within an enclosed, roofed building.

(b) No person shall, within the Village of Shelby, park, keep, maintain, accumulate or permit to remain on private premises or in a public place a dismantled motor vehicle or dismantled special mobile equipment, or parts removed therefrom, unless such vehicle, equipment or parts are housed entirely within an enclosed, roofed building.

(c) Both the owner as well as the occupant or lessee of private premises, and the owner of the vehicle, equipment or parts shall be deemed to be persons responsible under the provisions of divisions (a) and (b) hereof.

(Ord. 173. Passed 7-25-94.)

**640.04 NOTICE OF VIOLATION.**

A notice of violation of this chapter shall be served by the Village of Shelby Police Department, upon such persons who have violated this chapter.

- (a) Whenever any inoperable vehicle or special mobile equipment is found, a written notice shall be delivered in person or by first class mail to the owner of the inoperable vehicle or special mobile equipment, if known, and the owner or occupant of the private property on which the vehicle or equipment is located. An additional notice shall be affixed to a conspicuous part of the vehicle or equipment. The notice shall describe the violation of this chapter and shall require the removal of the violation within seven days. If the violation is observed to exist after seven days, a civil infraction ticket for such violation may be issued. The Village may determine, with appropriate authority such as a court order or the property owner or occupant's permission or failure to respond to the notice, to peaceably enter the property to correct the violation, including removal or impounding of the vehicle or equipment at a disposal site.
- (b) If a vehicle is removed and impounded by the Village at a location where there will be impounding fees or charges, it shall give appropriate or required notice to the registered owner of the vehicle, if any, and to the State, provided that the notice shall not designate the vehicle as abandoned. The notice shall indicate that the vehicle will be disposed of by sale if the owner fails to redeem the vehicle by paying any charges or fees occasioned by the removal, impounding or storage of the vehicle.

- (c) The direct cost of any enforcement action, including a 15% surcharge for overhead and indirect costs, shall be charged to the owner or occupant of the property, as well as any owner of the vehicle or equipment, and in addition shall be levied against the property and collected in the manner of real property taxes, and shall constitute a valid tax lien against the premises if unpaid.
- (d) Any person who violates or fails to comply with the provisions of this chapter shall be responsible for a civil infraction. Each act in violation of any of the provisions thereof shall be deemed a separate civil infraction. In connection with and in addition to the civil infraction, the Village may request supplemental relief and/or other remedies as available. Civil infraction penalties shall be as set forth in the schedule of civil infraction fines in Section 640.99.
- (e) In addition to the imposition of fines, penalties and other legal remedies, the Village may remove from the premises all inoperable vehicles and special mobile equipment in violation hereof and impound, destroy or sell said vehicles and equipment, and the cost thereof shall be assessed against the owner of the vehicle/equipment or the premises on which the same is located. Any sums realized on the sale of the same may be retained by the Village to reimburse it for the cost incurred in such removal and sale. Any outstanding expenses incurred by the Village in removing the vehicles and/or equipment from the premises will be levied as special assessments and become enforceable in the same manner as any other real property tax or assessment.  
(Ord. 173. Passed 7-25-94; Ord. 2012-001. Passed 8-13-12.)

#### 640.05 EXCEPTIONS.

The provisions of Section 640.03 shall not apply to the following persons, but solely under the following conditions:

(a) Persons owning and/or operating a junk yard or a vehicle storage yard; provided the same is properly licensed under the applicable provisions of Village of Shelby ordinances and State of Michigan statutes; provided the same shall be located in an area or zone providing for such use under the provisions of the Village of Shelby Zoning Code and a certificate of occupancy for such purpose has been properly issued; and provided that only inoperable vehicles and inoperable special mobile equipment, but not dismantled motor vehicles or dismantled special mobile equipment, may be stored outside an enclosed structure or building.

(b) Persons holding a properly issued and currently valid permit as provided for in Section 640.06.

(c) Persons storing special mobile equipment, provided the same is in operable condition and provided, further, such storage is a use which is in conformity with the provisions of the Village of Shelby Zoning Code.

(d) Persons operating a vehicle repair facility registered under the provisions of Act 300 of the Public Acts of 1974, as amended, provided, however, that no vehicle awaiting repair shall be stored outside an enclosed, roofed building for a cumulative total of more than sixty days.

(Ord. 173. Passed 7-25-94.)

#### 640.06 PERMITS.

Notwithstanding the provisions of Section 640.03, upon a showing of unusual hardship, payment of an application fee and the filing of an application as hereinafter provided, a person may secure from the Village of Shelby Police Department a permit for outdoor storage of an inoperable vehicle or inoperable special mobile equipment, as follows:

(a) Application for Permit. An application for a permit for outdoor storage of an inoperable vehicle or inoperable special mobile equipment shall be made to the Village of Shelby Police Department, at any time prior to the expiration of the grace period as provided for in Section 640.03(a), by paying an application fee and filing an application on a form provided by the Police Department and supplying the following information thereon:

(1) The address or legal description of the premises where the vehicle or equipment is stored or is to be stored;

(2) The name and address of the owner or occupant of said premises;

(3) The name and address of the owner of the vehicle or equipment, if different from the owner or occupant of the premises;

(4) A description of the vehicle or equipment for which a permit is sought, including make, model, year of manufacture, vehicle identification number or last issued registration (license) number, and condition of the vehicle or equipment;

(5) The period of time, not to exceed thirty days, for which the permit is being requested in order to restore the vehicle or equipment to operating condition;

(6) A statement of the hardship necessitating the application; and

(7) The signature of the applicant.

(b) Issuance and Posting of Permit. The Village of Shelby Police Department may issue a permit for outdoor storage of an inoperable vehicle or inoperable special mobile equipment upon the finding of unusual hardship. Such permit shall be valid for the requested period, but not to exceed thirty days from the date of the filing of the application. A copy of the permit shall be posted inside the vehicle or equipment for which it was issued by affixing it to the windshield or, if there is no area of the windshield on which it could be affixed, then to any other window of the inoperable vehicle or to the exterior of a special mobile equipment, so as to be readily visible during daylight hours. No permit shall be transferable to any other person or vehicle.

(c) Conditions of Permit. Every permit for outside storage of an inoperable motor vehicle or special mobile equipment on private premises shall be subject to the following conditions:

(1) No safety hazard shall be created or maintained thereby;

(2) All broken glass or partially detached parts shall be either removed and disposed of as rubbish or stored within a fully enclosed structure or otherwise secured to the vehicle in a manner to prevent hazard;

(3) Trunk or storage compartments shall be kept locked or otherwise secured to prevent possible entrapment of a child;

(4) Wheels or tires shall not be removed from the vehicle except for repair of the same;

(5) If required by the Michigan Vehicle Code to be registered, a license plate for the current year shall be kept on the vehicle;

(6) All parts or components removed from the vehicle shall be stored within a fully enclosed structure or building;

(7) No waste fluids such as oil, gas, anti-freeze, hydraulic fluid, or other fluids shall be allowed to flow upon the ground or pavement;

(8) All information furnished by the applicant on the application shall be true. Supplying false information on the application will be a violation of this chapter.

(9) No more than one permit for outdoor storage of an inoperable vehicle or inoperable special mobile equipment shall be issued for a given private premises at any given time.

- (10) Upon the expiration of the permit or extension thereof, there shall be no further three-day (Section 640.03(a)) or seven-day (Section 640.04(d)) grace periods, and in the event the permitted vehicle continues to be inoperable and remains stored outdoors anywhere within the Village of Shelby, it shall be deemed a violation of this chapter.
- (d) Extension of Permit. A permit may be extended one time by filing at the Village of Shelby Police Department, prior to the expiration date of the permit being extended, a written statement by the original applicant stating that the repair or restoration of the vehicle or equipment has been commenced, but has not been completed, stating the reason or reasons therefor, and further stating the expected completion date, which shall not exceed 30 days after the termination date of the permit being extended. Along with the statement the applicant for an extension shall pay an application fee for the requested extension period.
- (e) Revocation; Notice; Order to Cease Storing. Any permit issued under this chapter may be revoked by the Village of Shelby Police Department when any condition of the permit is violated.
- (1) Notice of such revocation, together with a notice to cease outdoor storing of the vehicle or equipment which is the subject of the permit, shall be delivered either in person or by certified mail, return receipt requested, to the permittee at the address stated on the application, and, if different from the permittee, a copy of the notice shall be similarly delivered to the owner of the premises.
  - (2) The permittee and/or the owner of the premises shall thereafter remove the vehicle or equipment within seven days after receiving said notice, or shall store the vehicle or equipment entirely within an enclosed, roofed building.
  - (3) Failure to so remove or store such vehicle or equipment within seven days shall constitute a violation of this chapter.
- (f) Fees. The fees for both an original permit and for an extension permit shall be as follows:
- (1) For a one to 30 day permit           \$ 5.00
  - (2) For a one to 30 day extension       10.00
- (Ord. 173. Passed 7-25-94.)

#### **640.07 DENIAL OF REVOCATION OF PERMIT; HEARING; REVIEW.**

Any person whose permit is revoked, or any person whose application for a permit is denied, shall have the right to a hearing before the Village Council, provided a written request therefor is filed with the Shelby Village Clerk within ten days following the date of receipt of the notice of revocation or within ten days following the denial of the application for a permit.

- (a) The hearing shall take place within 30 days after the request shall have been filed with the Village Clerk, and may take place either at a regular meeting of

the Village Council or at a special meeting thereof called for that specific purpose.

- (b) A notice of the time and place of the hearing shall be mailed by first class mail to the person requesting the hearing as soon as practicable, but in no event less than ten days prior to the date of the hearing.
- (c) The person requesting the hearing may be represented by an attorney and shall be permitted to have witnesses appear on the applicant's behalf. A recording of the proceedings at the hearing shall be done under the direction of the Village Clerk.
- (d) The Village Council is authorized, by a majority vote of those present, to confirm the permit denial or revocation, or to reverse the same and order the Village of Shelby Police Department to issue the appropriate permit.  
(Ord. 173. Passed 7-25-94.)

#### **640.08 PUBLIC NUISANCE PER SE.**

A violation of the provisions of this chapter is hereby declared to be a public nuisance per se, and the same may be abated by order of any court of competent jurisdiction.  
(Ord. 173. Passed 7-25-94.)

#### **640.09 ABROGATION AND PURPOSE.**

Nothing in this chapter shall be construed to abrogate, effect or supersede any State law or County ordinance, including, but not limited to, Michigan's Right to Farm Act, M.C.L.A. §§ 286.471 et seq. It is the purpose of this chapter to supplement State and County regulations and to regulate the storage of inoperable vehicles and special mobile equipment in the absence of regulation by the State or County.  
(Ord. 2012-001. Passed 8-13-12.)

#### **640.99 PENALTY.**

Whoever violates any of the provisions of this chapter is responsible for a civil infraction and, upon conviction, shall be fined not more than five hundred dollars (\$500.00).

- (a) Each day that a violation continues shall be considered, and may be charged as a separate offense.
- (b) If a civil fine is ordered to be paid under this section, the judge, district court referee or district court magistrate shall summarily tax and determine the costs of the action, which shall not be limited to the costs taxable in ordinary civil actions, and may include all expenses, direct and indirect, which the Village of Shelby has incurred in connection with the civil infraction, including attorney fees.  
(Ord. 173. Passed 7-25-94.)





(9) Prowl about any public place or on private premises of any person in the night time, without the authority or permission of the owner of such private premises.

(10) Throw or propel any snowball, missile, or object from any moving vehicle, or toward any moving vehicle, or toward any other person.

(11) Summon without good reason therefor, by telephone or otherwise, the Police Department or the Fire Department or a public ambulance or emergency vehicle, to go to an address where the service called for is not required.

(12) To come upon or remain at any school building or school ground unless such person has lawful business with said school.

(13) To remain at or on any school building or school ground after being lawfully ordered to vacate said building or ground by a person in authority or in charge.

(14) To wilfully break, damage or injure any part of a building, public or private, whether such building is occupied or not, by means of projectiles or paint, or in any other manner.

(15) To resist arrest or refuse to obey the lawful order of any police officer of the Village or to interfere or attempt to interfere with any police officer of the Village in the performance of his or her duty. (Ord. 151. Passed 4-25-77.)

#### 660.02 MINORS CURFEW.

(a) Prohibitions. No person under the age of seventeen shall be abroad in the Village after 10:00 p.m. on Sunday through Thursday and after 12:00 midnight on Friday and Saturday.

(b) Exceptions. Exceptions to subsection (a) hereof are as follows:

(1) One-half hour after the termination of an activity organized by a school or a church or supervised by adults responsible for the conduct of young people covered by this section.

(2) When accompanied by parents or other adults responsible for the behavior of young people covered by this section.

(3) Evenings before national holidays, which shall be identical with Friday and Saturday night curfew treatment.

(4) Special exceptions by resolution of the Village Council if referred to the attention of the Village Council with the favorable endorsement of the Chief of Police. (Ord. 121. Passed 10-24-66.)

(c) Enforcement.

(1) The Chief of Police shall enforce this section.

(2) The Chief of Police is hereby authorized to request identification from those young persons whom he or she has probable cause to suspect are covered by this section.

(3) The Chief of Police may report to the Village Council the names of violators of this section, as well as the names and addresses of their parents.

660.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 of the Administration Code for the general Code penalty if no specific penalty is provided.)

Whoever violates Section 660.02 shall be dealt with in accordance with Juvenile Court law and procedure.

**CHAPTER 670**  
**Safety, Sanitation and Health**

670.01	Purpose.	670.06	Septic tanks and liquid wastes.
670.02	Definitions.	670.07	Open burning.
670.03	Deposit or maintenance of yard waste, garbage, rubbish, or junk on premises.	670.08	Recycling.
670.04	Grass, weeds, and trees.	670.09	Violations.
670.05	Vacant land and buildings.	670.10	Outdoor solid fuel-burning furnaces.
		670.99	Penalty.

**CROSS REFERENCES**

Health and sanitation generally - see Mich. Const., Art. 4, §51;  
M.C.L.A. §§750.466 et seq.

Nuisances generally - see M.C.L.A. §§600.3801 et seq.

Public safety generally - see M.C.L.A. §§750.493 et seq.

Inoperable motor vehicles - see GEN. OFF. Ch. 640

Duty to keep sidewalks clear of nuisance - see S.U. & P.S. 1020.03

**670.01 PURPOSE.**

The purpose of this chapter is to better serve the citizens of the Village of Shelby through the preservation of healthful, safe and attractive conditions, inasmuch as certain practices can destroy these conditions.

(Ord. 122. Passed 6-26-67; Ord. 2002-04. Passed 12-23-02.)

**670.02 DEFINITIONS.**

For the purposes of this chapter, the following definitions shall apply:

- (a) "Garbage." Animal and vegetable waste resulting from handling, preparation, cooking, and consumption of foods and all organic matters subject to rapid decomposition.
- (b) "Junk." Any worn out, cast off, or discarded article or material, which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which is unaltered or unchanged, and without further reconditioning or repair, can be used for its original purpose as readily as when it was new, shall not be considered "junk."
- (c) "Recyclable materials." Any material accepted in writing by the Village or its designated contractor as recyclable.

- (d) “Rubbish.” Organic and inorganic waste and litter, including wire, metal shavings, bottles, glass, crockery, tin, wood, and any other kind of material that would be detrimental to the public health and safety. Included in this definition are bulky items that are too large to be handled by the Village or its designated contractor, such as discarded furniture, bed springs, and large appliances.
- (e) “Yard waste.” Grass clippings, bush and tree branches of less than six inches in diameter and plant material not intended for human consumption.  
(Ord. 2002-04. Passed 12-23-02.)

**670.03 DEPOSIT OR MAINTENANCE OF YARD WASTE, GARBAGE, RUBBISH, OR JUNK ON PREMISES.**

(a) No person shall deposit, store, maintain, collect, or permit the storage, deposit, maintenance or collection of any garbage, rubbish, or junk on their premises or any premises over which they have control or use unless intended for disposal within 14 days either by the Village or its designated contractor.

(b) Any garbage or rubbish accumulated or stored outside a dwelling or building on any premises for the purposes of disposal shall be placed in containers. All containers must have tight fitting covers. Containers for garbage or rubbish must be of an approved size provided by a licensed waste hauler or must not exceed 32 gallons in size if owned privately.

(c) Garbage or rubbish accumulation or storage outside a dwelling or building for any purpose other than disposal is prohibited.

(d) Garbage and rubbish containers and junk, intended for collection and disposal by the Village or its designated contractor, shall be placed by the owner or occupant of the dwelling or building at the curb not earlier than 3:00 p.m. on the day prior to the scheduled day of collection, and the empty containers must be removed from the curb no later than 12:00 noon the day following the scheduled day of collection.

(e) The owner or occupant of a residential unit shall remove any scattered or uncontained garbage, or rubbish within 24 hours after the same has been scattered or deposited, and dispose of the same in accordance with this chapter.

(f) Unacceptable items including, but not limited to, commercial, medical, contagious and hazardous industrial waste shall be removed from all premises and disposed of by the owner or occupant in accordance with this chapter or Federal or State law, rules, and regulations. It shall be unlawful to store any unacceptable items on any premises within the Village without proper permits and safeguards mandated by this chapter and/or Federal and State law, rules and regulations.

(g) Yard waste, as defined within this chapter, may be placed in separate containers clearly marked “yard waste” or in compostable bags. Yard waste *shall not* be placed in plastic bags. Yard waste shall be placed at the curb, edge of street or alley and must be located on the property from which the material has been removed. Loose grass clippings and leaves *only* may be placed at the curb, edge of street or alley, without being placed in a container or bag, for collection by a vacuum type of machine. These loose grass clippings and leaves shall be kept separate from *all* sticks, twigs, tree branches, vegetable garden plants, garbage, rubbish, junk or other material that may prevent the leaves and grass clippings from being collected by the vacuum. The Village or its designated contractor reserves the right to refuse to collect any yard waste that has been mixed with sticks, twigs, tree branches (except for those less than six inches in diameter and placed in a container or compostable bag) vegetable garden plants or other material such as garbage, rubbish, or junk. The Village or its designated contractor reserves the right to refuse to collect any yard waste that is not placed with unobstructed access at the curb, edge of street or alley. Yard waste shall not be placed around poles, signs or landscaping that create obstructions for collection equipment. Yard waste shall not be placed in the traveled portion of any street or alley.

(h) The Village reserves the right to discontinue yard waste collection if deemed fiscally responsible to do so. Should the Village provide yard waste collection, the Village will create a schedule of collection dates and times and the Village will make that schedule available to its citizens. Each property owner or tenant shall place their yard waste at the curb, edge of street or alley no sooner than 14 days prior to the collection schedule. Property owners that did not place their yard waste material at the curb, edge of street or alley prior to collection shall be responsible for the proper disposal of such material on their own. Property owners that place yard waste at the curb, edge of street or alley *sooner* than 14 and/or that *fail* to properly dispose of yard waste material *after* collection has been completed may be subject to enforcement actions as defined in Section 670.04(d).

(i) No person shall deposit any yard waste, garbage or rubbish upon any Village street, alley, or any other private or public property except as specifically permitted in this chapter. It shall be the duty of every occupant of property and of the owner of property, occupied or unoccupied, to maintain the premises occupied or owned by them or in their control, in a clean and orderly condition at all times. The owner and/or occupant shall not permit any deposition or collection of yard waste, garbage, rubbish, or junk upon said premises except as permitted under this chapter.

(Ord. 122. Passed 6-26-67; Ord. 2002-04. Passed 12-23-02; Ord. -. Passed 8-27-12.)

#### **670.04 GRASS, WEEDS, AND TREES.**

(a) Any occupant or owner of a dwelling or property, occupied or unoccupied, within the Village, shall not permit the growth of weeds, grass, or hazardous vegetation to a height greater than eight inches on the average, or any accumulation of dead weeds, grass, or brush on unoccupied premises. “Hazardous vegetation” is defined as plants detrimental

to the health of any person contacting or consuming that vegetation. Examples of hazardous vegetation are ragweed, poison ivy, or any other poisonous plants.

(b) Any occupant or owner of a dwelling or property, occupied or unoccupied within the Village, shall allow or maintain on any such premises any dead, dying, or diseased trees which endanger adjacent private property or project over or border any public place or property.

(c) It shall be the duty of the occupant of every premises, or the owner of every unoccupied premises within the Village, to cut and remove or destroy by lawful means, all such weeds, grass, hazardous vegetation, or dead, dying, or diseased trees as often as may be necessary to comply with this chapter.

(d) Noncompliance with the above subsections shall result in a notification of the occupant and/or owner of the premises in violation that the Village shall require compliance within seven days of the date of service or the mailing of the notice. In the event of continued noncompliance within the time limit, the Village shall cause such weeds, grass, and other hazardous vegetation, or dead, dying, or diseased trees to be removed or destroyed, and the actual cost of cutting, removal, or destruction, plus 15% surcharge for inspection and additional Village costs in connection therewith, shall be collected as a special assessment against said premises and added to the next Village tax bill.

(e) No person shall remove, weeds, grass, leaves, or vegetation, from a property and deposit such materials next to the curb or in the street that is not adjacent to the property from which the material has been removed.  
(Ord. 167A. Passed 9-9-91; Ord. 2002-04. Passed 12-23-02.)

#### **670.05 VACANT LAND AND BUILDINGS.**

(a) No person shall maintain or allow to remain upon property owned, occupied, or under his/her control, any vacant or unused building, unless the building is securely locked with all windows glazed or neatly boarded up, and all entrances and openings of whatever kind, tightly closed.

(b) No person shall maintain or allow to remain upon property, owned, occupied, or under his/her control, buildings which are in ruinous condition or a state of disrepair that shall either present an unsightly appearance, which endanger a passerby, or which could present a nuisance to children.

(c) No person shall maintain any vacant property owned, occupied, or under his/her control, in a manner that presents a threat to the public health, welfare, and safety to the citizens of the Village.  
(Ord. 122. Passed 6-26-67; Ord. 2002-04. Passed 12-23-02.)

**670.06 SEPTIC TANKS AND LIQUID WASTES.**

Except as provided in Section 1046.03 of the Streets, Utilities, and Public Services Code, no person shall maintain or allow to remain upon property owned, occupied, or under his/her control, any septic tank, privy, dry well, or other receptacle for human or obnoxious waste, which is exposed to air, which allows said wastes to escape in the atmosphere or ground water and endanger the public health, safety, and welfare of the citizens of the Village.

(Ord. 122. Passed 6-26-67; Ord. 2002-04. Passed 12-23-02.)

**670.07 OPEN BURNING.**

(a) No person shall dispose of any leaves, garbage, rubbish, junk, or any other combustible material whatsoever in any street, alley, private property, or public place by burning, except in an approved incinerator.

(b) No incinerator shall be operated or installed within or on any premises without a permit approved by the Village and the Chief of the Shelby-Benona Fire Department.

(c) Outside burning may be permitted after the issuance of a permit to burn from the Village and written permission from the Chief of the Shelby-Benona Fire Department. The permit shall not be issued for the burning of material that endangers surrounding property, creates a nuisance, or is a hazard to health as determined by the Chief of the Shelby-Benona Fire Department.

(d) This section is not intended to prohibit fires, defined as wood, charcoal, and/or kindling only, within equipment intended for the preparation of food, the use of indoor or outdoor fireplaces, outside campfires in designated areas in public parks, or private campfires in safe areas at least 25 feet from property lines and 25 feet from adjacent buildings.

(Ord. 143. Passed 5-12-75; Ord. 157. Passed 6-23-78; Ord. 2002-04. Passed 12-23-02.)

**670.08 RECYCLING.**

(a) Recyclable materials shall be placed in designated containers according to the written directions provided by the Village or its designated contractor.

(b) No person except those employed by the Village or its designated contractor shall remove or cause to be removed any recyclable material which has been placed for collection and disposal.

(c) Containers with recyclable materials intended for collection and disposal by the Village or its designated contractor, shall be placed by the owner or occupant of the



dwelling or building at the curb not earlier than 3:00 p.m. on the day prior to the scheduled day of collection, and the empty containers must be removed from the curb not later than 12:00 noon the day following the scheduled day of collection.  
(Ord. 2002-04. Passed 12-23-02.)

#### **670.09 VIOLATIONS.**

- (a) The Village President, or his designee, shall by written demand, either:
- (1) Serve upon the occupant of the premises or upon the person to whom such premises are assessed for taxes on the current tax bill, or be posted in a conspicuous place on such premises an order to remove the illegal garbage, rubbish, or junk within 14 days. If the order is not complied with within the designated time period, the Village shall take such action to abate the situation plus a 15% surcharge for inspection and additional Village costs in connection therewith. Also, the failure to comply within the 14-day period shall constitute an additional violation of this chapter.
  - (2) Or, upon determination by the Village that the violation created by the garbage, rubbish, or junk constitutes a hazard to the public health, safety, or welfare of the citizens of the Village, the situation may be abated without the prior notice described above.

(b) The cost of abatement pursuant to this section shall be charged and billed against the premises and the owner thereof, as a special assessment and added to the next Village tax bill.

(Ord. 2002-04. Passed 12-23-02.)

#### **670.10 OUTDOOR SOLID FUEL-BURNING FURNACES.**

(a) Purpose and Scope. The Council of the Village of Shelby has determined that air pollution from outdoor solid fuel-burning furnaces may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of the Village, it is hereby declared to be the policy of the Village to safeguard its citizens from such air pollution.

(b) Applicability. This chapter applies to the installation and use of all outdoor solid fuel-burning furnaces within the Village.

- (1) This section does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (2) This section does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building in which it is located.
- (3) This section does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(c) Definitions. The following words, terms, phrases, when used in this section, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

- (1) "Clean wood." Natural wood that has not been painted, stained, varnished or coated with similar materials, and natural wood that has not been treated with, including but not limited to, resins or glues as in plywood or other composite wood products or copper chromium arsenate, creosote, or pentachlorophenol.
- (2) "Council." Council of the Village of Shelby.
- (3) "Municipality." A county, township, city or village.
- (4) "Outdoor solid fuel-burning furnace." Also known as fuel-fired furnaces, outdoor fuel-burning appliances, or outdoor hydronic heaters, water stoves, etc. A fuel-burning device:
  - A. Designed to burn clean wood or other approved solid fuels (whether by direct burning or via a "gasification" process);
  - B. That the manufacturer specifies for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and
  - C. Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.
- (5) "Person." Any individual, public or private corporation for profit or not-for-profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the State of Michigan or the Federal Government, political subdivision, municipality, district, authority or any other legal entity whatsoever recognized by law as the subject of rights and duties.
- (6) "Responsible official." Person designated by the Village to be responsible for the administration and enforcement of this section.
- (7) "Stack." Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.

(d) Regulations. On or after the effective date of this section, an outdoor solid fuel-burning furnace may be installed, used or operated in the Village only in accordance with applicable Federal, State and County regulations and with the following provisions:

- (1) Setback Requirements for New Outdoor Solid Fuel-Burning Furnaces. No person shall install an outdoor solid fuel-burning furnace unless it is installed at least 150 feet from the nearest property line.
- (2) Stack Height Requirements for Outdoor Solid Fuel-Burning Furnaces. No person shall use or operate an existing outdoor solid fuel-burning furnace or install an outdoor solid fuel-burning furnace unless it has a permanent attached stack with a minimum stack height of ten feet above the ground

that also extends not less than two feet above the highest peak of any residence located less than 250 feet from the outdoor solid fuel-burning furnace.

- (3) Fuel Requirements for New and Existing Solid Fuel-Burning Furnaces. No person that operates a new or existing outdoor solid fuel-burning furnace shall use a fuel other than the following:
  - A. Clean wood.
  - B. Wood pellets made from clean wood.
  - C. Home heating oil, natural gas, propane or other fuel that complies with all applicable sulfur limits and is used only as a starter for dual-fired outdoor solid fuel-burning furnaces.
- (4) Prohibited Fuels for New and Existing Solid Fuel-Burning Furnaces. No person shall burn any of the following items in an outdoor solid fuel-burning furnace:
  - A. Any material not listed in division (d)(3).
  - B. Treated or painted wood.
  - C. Furniture.
  - D. Garbage.
  - E. Tires.
  - F. Lawn clippings or yard waste.
  - G. Material containing plastic.
  - H. Material containing rubber.
  - I. Waste petroleum products.
  - J. Paints and paint thinners.
  - K. Chemicals.
  - L. Any hazardous waste.
  - M. Coal.
  - N. Glossy colored paper.
  - O. Construction and demolition debris.
  - P. Plywood.
  - Q. Particleboard.
  - R. Manure.
  - S. Animal carcasses.
  - T. Asphalt products.
- (5) Storage Requirements for the Fuel for New and Existing Solid Fuel-Burning Furnaces. All fuel for solid fuel-burning furnaces, as allowed under division (d)(3) of this section, shall be stored in conformity with these Codified Ordinances.
- (6) Prohibition of Operation for New and Existing Outdoor Solid Fuel-Burning Furnaces. No person shall use or operate a new or existing outdoor solid fuel-burning furnace between the dates of May 1 and September 30 within any Residential or Planned Unit Development Districts.

- (7) Permit Allowable within Industrial Zone. A maximum of four permits shall be available for properties with frontage along Industrial Park Drive and Piper Street and which are zoned Industrial. As provided in the following paragraphs, an application may be submitted to the Village Council for a permit to operate an outdoor solid fuel-burning furnace for the purposes of research and development, by a person, business or manufacturer involved in the sale, assembly or manufacturing process of outdoor solid fuel-burning furnaces.
- A. Said application shall be made to the Village Clerk along with a fee in accordance with the official schedule of fees as amended by the Village Council and as recorded by the Village Clerk.
  - B. Each permit shall limit the number of units in operation at any one time to no more than three outdoor solid fuel-burning furnaces per parcel or parcels listed on said permit and at no time shall any one or a combination of three furnaces exceed the output of 1,000,000 British Thermal Units (BTUs).
  - C. Each permit is conditioned upon the unit's use for purposes of research and development. As such, the permit holder shall be required to produce documentation on said research/development purposes, including but not limited to monitoring and testing logs for each unit.
  - D. Permits shall renew every 12 months from the date of issue. The Village Clerk shall invoice each permit holder 30 days prior to the expiration date of said permit. If the permit holder fails to provide payment prior to the permit expiration date, the permit shall be deemed vacated and shall expire on its expiration date.
  - E. Said permits shall be reviewed for compliance with permit conditions by the Village Council or their designee 60 days prior to the expiration of said permit. Said review shall include, at a minimum, the following standards:
    - 1. Have there been any documented complaints directly related to the permitted operations?
    - 2. Have there been any documented violations of the issued permit?
    - 3. Has the site been kept organized, screened and in general good repair?
    - 4. Is the site creating an adverse impact on the immediate area as well as the community as a whole?
    - 5. Has the permit holder produced the monitoring/testing records required under division (d)(7)C. for review?
  - F. Upon completion of the aforementioned review, a report indicating the findings of said review shall be provided to the Village Clerk to be included with the permit renewal invoice. If said review identifies a noncompliance of said permit, notice of noncompliance shall be

included with the permit renewal invoice. The permit holder shall bring the permit into compliance before the expiration of said permit or the permit shall expire and be subject to divisions (f) and (g) hereof. A report of any recommended actions shall be provided to the Village Council for determination.

(e) Effect on Other Ordinances. This section shall not be construed as an exemption or exception to any other provision of these Codified Ordinances, including the Building Code, Property Maintenance Code, Fire Prevention Codes, Zoning Ordinance or any other code or ordinance. In the event of a conflict between the provisions of this action and any other ordinance or provision of law, the more restrictive provision shall apply.

(f) Unlawful Conduct. It shall be unlawful to fail to comply with or to cause or assist in the violation of any of the provisions of this section.

(g) Public Nuisance. A violation of this section or of any order issued by the Village under this section constitutes a public nuisance. The Village shall have the authority to order any person causing a public nuisance to abate said nuisance. In addition, when abating a public nuisance, the Village may recover the expenses of abatement following the process for assessment and collection of a civil penalty. Any person who causes the public nuisance shall be liable for the cost of abatement.

(Ord. 670.10. Passed 7-25-05; Ord. 2008-02. Passed 9-22-08; Ord. 2010-15. Passed 8-23-10.)

**670.99 PENALTY.**

Whoever violates any of the provisions of this chapter shall be subject to a civil infraction, not to exceed two hundred fifty dollars (\$250.00) for each violation.

(Ord. 2002-04. Passed 12-23-02; Ord. 2010-20. Passed 8-23-10.)



- (4) “Retailer.” That term as defined in Act 256 as a person who sells consumer fireworks or low-impact fireworks for resale to an individual for ultimate use.
- (5) “Wholesaler.” That term as defined in Act 256 as any person who sells consumer fireworks or low-impact fireworks to a retailer or any other person for resale. “Wholesaler” does not include a person who sells only display fireworks or special effects.

(b) Compliance with Applicable Ordinances and Codes. Unless otherwise provided in this chapter, a retailer or wholesaler of fireworks located within the Village must comply with the requirements of the Village's Zoning Ordinance, as well as all building codes and regulations.

(c) Use of Consumer Fireworks Prohibited. No person shall ignite, discharge or use consumer fireworks that leave the ground or produce a report (bang) in the Village; except this prohibition shall not preclude any person from igniting, discharging or using any consumer fireworks within the Village on the day proceeding, the day of, or the day after a national holiday. A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.

(d) Time restrictions. No person shall ignite, discharge, or use consumer fireworks that leave the ground or produce a report (bang) in the Village on the above approved days between the hours of 1:00 a.m. and 8:00 a.m.

(e) Safety. No person shall recklessly endanger the life, health, safety, or well-being of any person by the ignition, discharge, or use of consumer fireworks.

(f) Removal of Debris. Removal and/or disposal of any debris created from igniting, discharging or using consumer fireworks is the responsibility of the property owner where the fireworks were ignited, discharged or used.

(g) Violations. Fines and Penalties. Any person violating the provisions of this section shall be guilty of a misdemeanor, punishable by up to 90 days in jail and/or a fine up to five hundred dollars (\$500.00).

(h) Effective Date. This ordinance shall be effective 20 days after publication. (Ord. 2012-002. Passed 8-13-12; Ord. - . Passed 7-28-14.)

#### **690.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 of the Administration Code for the general Code penalty if no specific penalty is provided.)