

CHAPTER 91

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OPEN BURNING

§ 91.01 PURPOSE.

To preserve and protect the public health, safety, and general welfare of the citizens of the township by prohibiting the burning of waste on the streets maintained in the township.

(Ord. 12-05, passed 8-8-2012)

§ 91.02 DEFINITION.

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

YARD WASTE. Leaves, grass clippings, vegetables, or other garden debris, shrubbery or brush, or tree clippings, or other similar materials which can be converted into compost humus.

(Ord. 12-05, passed 8-8-2012)

§ 91.03 BURNING ON PUBLIC ROADS.

No person shall burn any trash, garbage, or other refuse on the public roads maintained in the township, or burning the same in any manner that may menace the public health, cause a nuisance of smoke, ash, or offensive odors on the roads maintained in the township.

(Ord. 12-05, passed 8-8-2012) Penalty, see § [91.99](#)

§ 91.04 DEPOSITING TRASH IN THE STREETS.

No person shall deposit or scatter trash, garbage, or other refuse on any public streets maintained in the township.

(Ord. 12-05, passed 8-8-2012) Penalty, see § [91.99](#)

§ 91.05 YARD WASTE.

No person shall cause or permit the burning of yard waste on any public property or roads.

(Ord. 12-05, passed 8-8-2012) Penalty, see § [91.99](#)

TRASH

§ 91.20 REMOVAL OF GARBAGE.

(A) This section is prepared so that all reasonable costs of collection of garbage/rubbish from property specially assessed can be accomplished after the owner/occupant of the property is given every reasonable opportunity for the removal of blight, garbage, and/or rubbish.

(B) All causes of blight, as defined by the Silver Creek Township Blight Ordinance, shall be considered as garbage and rubbish as defined in M.C.L.A. § 41.722(2)(1)(f).

(C) All waste that must be disposed of in a sanitary landfill shall be considered garbage and rubbish, as defined in M.C.L.A. § 41.722(2)(1)(f).

(D) Garbage and rubbish shall be removed by the owner and/or occupant of the real property.

(E) When garbage and rubbish is not properly removed, the owner and/or occupant shall be sent by regular mail to the place of mailing the township tax bill and to the address of the premises, if different, notice for the owner/occupant to appear at the next township meeting that is at least nine days from the date of mailing to show cause why a suit should not be filed for the collection and removal of all garbage/rubbish from the property.

(F) If the garbage and rubbish is not removed as directed by the township, the township, through its attorney, shall cause to be filed a lawsuit to abate the nuisance by removal of garbage and rubbish in the County Circuit Court. Said suit shall permit the township to enter the property and to remove the garbage and rubbish and to proceed to have the cost assessed against real property as defined.

(G) The township shall then proceed to specially assess the specific property for the collection and removal of garbage and rubbish as defined by Public Act 188 of 1954, being M.C.L.A. § 41.721.

(Ord. 07-01, passed 5-9-2007)

WEEDS, GRASSES, AND UNCONTROLLED PLANT GROWTH

§ 91.30 DUTY TO DESTROY.

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

(1) **OWNER.** Any person or entity with any ownership or possessory right or interest, including deed holders and land contract vendees (whether recorded or unrecorded), mortgagees, lessees, and other tenants, residents, and any agent of any of same.

(2) **UNCONTROLLED PLANT GROWTH.** Any non-woody vegetation exceeding a height of 18 inches; except where such vegetation is not out of character with the development of the landscaping in the surrounding area within 500 feet, and also excepting all small grain or food crops, such as wheat, corn, oats, barley or rye, and garden vegetables and shall include cultivated flowers and gardens.

(B) All premises and exterior property shall be maintained free from weeds, grasses or uncontrolled plant growth in excess of 18 inches. All weeds and grasses shall be prohibited.

(C) *Exemptions.*

(1) A-R District;

(2) Natural shoreline restoration and preservation projects in all districts; and

(3) Large tracts of undeveloped lots in R-I District over one acre.

(Ord. 19-02, passed 2-13-2019)

§ 91.31 PUBLIC NUISANCE.

All weeds, grasses and uncontrolled plant growth in violation of the provisions of this subchapter are hereby declared to be a public nuisance.

(Ord. 19-02, passed 2-13-2019)

§ 91.32 ADMINISTRATIVE PROCEDURES AND REMEDIAL ACTIONS.

(A) The township shall give notice of this application of this subchapter by both of the following means:

(l) Publish in a newspaper of general circulation in the township during the month of March a notice that:

(a) Weeds and/or plant growth in violation of this subchapter not destroyed/cut by May 1 of that year as required by this subchapter may be destroyed/cut by the township;

(b) The owner of any such land shall be charged with the expenses incurred by the township to destroy/cut such weeds/plant growth as many times as is necessary to keep the land in compliance with this subchapter; and

(c) The township shall have a lien against the land for the amount of such expenses, and such lien shall be enforced in the manner provided by state law for the enforcement of real property tax liens.

(2) The property owner will be notified by first-class mail that the plant growth will need to be in compliance within ten business days. Failure to give such notice shall not constitute a defense to any action to enforce the payment of any penalty or debt provided for in this subchapter.

(B) If the owner/occupant/agent has failed or refuses to comply with the subchapter after any of the forms of notice provided for in division (A) above, the township or its agent/designee may enter upon such land with or without mechanical equipment and destroy/cut the weeds/plant growth thereon in violation of this subchapter.

(C) All expenses incurred in such destruction/cutting shall be paid by the owner of such land. The township shall have a lien upon such land for the full amount of such expenses, which may be enforced in the same manner as the enforcement of real property tax liens through entry upon the next tax roll of the township and assessment as a general township tax. Such expenses shall be subject to all interest and penalties provided for taxes due and collectible within the township under the general tax laws of the State of Michigan. In addition to the foregoing, the township may sue the owner in an appropriate court of law for the collection of such expenses.

(Ord. 19-02, passed 2-13-2019)

§ 91.33 VIOLATIONS AND ENFORCEMENT.

(A) Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this subchapter, or any order issued under the subchapter, including any conditions imposed thereon, or causes, allows, or consents to any of the same, shall be deemed to be responsible for a violation of this subchapter. Any person or entity responsible for a violation of this subchapter, whether as an occupant, owner, 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 subchapter shall constitute a basis for such judgement, writ or order necessary to compel compliance with the subchapter and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

(C) (1) A violation of this subchapter is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

Minimum fine	
First offense	\$150.00
Second offense	\$325.00
Third offense	\$500.00

(2) Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the township has incurred in connection with the municipal civil infraction.

(D) This subchapter shall be administered and enforced by the person designated by the Township Board as the Township Property Maintenance Officer or Ordinance Enforcement Officer(s) of the township, or by such other person(s) as the Township Board may designate from time to time.

(Ord. 19-02, passed 2-13-2019)

LITTER

§ 91.40 TITLE.

This subchapter shall be known and cited as the Silver Creek Township Litter Ordinance.

(Ord. 21-05, passed 7-14-2021)

§ 91.41 DEFINITIONS.

As used in this subchapter:

LITTER.

(1) All garbage, scrap and waste materials including rags, cartons, paper, cans, bottles, used lumber, boxes, wooden skids or pallets or parts therefrom (excluding those

stored and used in connection with an industrial or commercial operation on the site), inoperable and discarded appliances and equipment; cut or broken tree branches, fences in disrepair; broken or discarded plaster, concrete, brick, building materials, scrap metal, pipe, discarded motor vehicle parts; tires; and remnants of wood, metal, plastic, or cast-off material or items regardless of whether the same could be put to future use.

(2) Shall also include personal use items when one or more of the following conditions exist:

(a) Such personal use item is not regularly used for its intended purposes at least one time per season of intended use; or

(b) Such personal use item is in a state of disrepair and is not usable in its present condition; or

(c) Such personal use item has broken or missing parts.

PERSONAL USE ITEMS. Shall include lawn maintenance equipment; children's toys, sporting equipment and bicycles which can be used on the property itself.

(Ord. 21-05, passed 7-14-2021)

§ 91.42 REGULATIONS.

(A) *Prohibition and storage regulations for items defined as litter.*

(1) It shall be unlawful for any person to dump, deposit, place, throw, leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter or any other material on any public or private property or waters within the township other than property designated and set aside for such purposes. The phrase "public or private property or waters" includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, or the shores or beaches thereof, and including the ice above such waters; any park, playground, building, refuge, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.

(2) It shall be unlawful for any person to aid, assist, or abet another to violate any of the provisions of the [words missing] within this subchapter.

(3) The owner or occupant of any building or premises within the township shall not permit or cause the outdoor storage of litter on such premises, subject to the following exceptions:

(a) Such litter does not include garbage or other putrescible liquids or solids, when screened from the view of all adjacent properties and abutting public or private rights-of-way, and when being stored only between regular, not less than weekly collection by a public or private garbage collection service;

(b) Logs, branches, or other scrap wood may be neatly stacked outdoors on an occupied premise, provided such storage: (1) does not exceed 2,500 cubic feet in area; (2) is not located within any required building setback areas as specified in the Silver

Creek Township Zoning Ordinance; and (3) complies with all applicable township ordinance requirements. The limitation of 2,500 cubic feet shall not apply to logs, branches, or other scrap wood stored and used in connection with an industrial or commercial operation on the site.

(c) Such litter is located in a duly licensed and properly zoned junk yard, salvage yard, or landfill where such uses or operations are legally authorized under the Silver Creek Township Zoning Ordinance; and

(d) A special permit is first obtained therefor for a period of not to exceed 45 days from the Supervisor of Silver Creek Township or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of this subchapter are still observed. A special permit granted hereunder may be renewed for not more than one additional 45-day period upon showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

(B) *Prohibition and storage of personal use items.* Personal use items which are not defined as "litter" herein shall only be stored in the rear or side yard of residentially used structures when not in current active use. When in usable condition and used at least once per season, large scale sporting installations such as but not limited to trampolines and soccer goals shall not be required to be stored in the side or rear yard.

(C) *Prohibition on burying litter.* Items defined as litter herein shall not be buried or otherwise placed into a hole, concealed and/or covered with dirt, grass or brush.

(Ord. 21-05, passed 7-14-2021)

§ 91.43 SANCTIONS.

(A) Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this subchapter shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
1st offense within 3-year period*	\$150	\$500
2nd offense within 3-year period*	250	500
3rd offense within 3-year period*	325	500
4th or more offense within 3-year * period	500	500

*Determined on the basis of the date of commission of the offense(s).

(B) Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Silver Creek Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10 nor more than \$500 be ordered. In addition, the township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this subchapter. Each day that a violation exists shall constitute a separate offense.

(Ord. 21-05, passed 7-14-2021)

VEHICLE REPAIR AND STORAGE

§ 91.50 NAME.

This subchapter shall be known and cited as the Silver Creek Township Vehicle Repair and Storage Ordinance.

(Ord. 21-04, passed 7-14-2021)

§ 91.51 PURPOSE.

The purpose of this subchapter is to limit and restrict the outdoor storage, parking, repair or unreasonable accumulation of junk, unused, partially dismantled or inoperable vehicles, including any conveyance, trailer, boat, aircraft, cargo container, railcars, railroad cars, semi-truck trailers, box cars, truck boxes or new or used parts thereof upon premises within the township; to provide restrictions concerning the repairing of said vehicles; to avoid injury and hazards to children and others attracted to such vehicles; to define common types of conveyances, such as motor homes, recreational vehicles, mobile house trailers, mobile homes, and campers; to ensure that said conveyances are utilized only for their intended purposes and not for, as, or in the place of a storage structure or unit on premises within the township; and to minimize the devaluation of property values and the psychological ill effects of the presence of the same upon adjoining residences and property owners.

(Ord. 21-04, passed 7-14-2021)

§ 91.52 DEFINITIONS.

As used in this subchapter:

CAMPER, RECREATIONAL VEHICLE, MOTOR HOME, and TRAILER. Shall be synonymous and are intended to mean that group of conveyances which are capable of being moved on their own chassis or wheels upon a roadway or highway, either with or without its own engine; which can be utilized or occupied as a temporary residence or vacation structure for limited time periods, which are not designed to be permanently connected to electrical power, water, sewage and potable water utilities, whether or not said unit is licensed and operational for use upon the public highways and roadways and whether or not said unit is actually operational for use as a vacation trailer or temporary dwelling.

INOPERABLE. A vehicle or machinery with any of the following conditions in existence:

- (1) Where it is being dismantled for the sale, salvage, repair or reclamation of parts thereof.
- (2) Where it does not have all of its main component parts properly attached.
- (3) Where any other or additional conditions exist which cause the vehicle to be incapable of being driven under its own power, lawfully, upon the public streets.
- (4) Where any other or additional conditions exist which cause the machinery to be incapable of being used for the purpose it was designed.

MAIN COMPONENT PARTS. Fenders, hood, radiator, motor, windows, doors, muffler, transmission, wheels, clutches, pulleys, and safety guards.

UNOCCUPIED MOBILE HOME. A movable or portable structure constructed to be towed on its own chassis and designed for permanent year-round living as a single-family dwelling which is not presently being occupied, is not attached to sanitary sewer or septic facilities and is not connected to electrical power and potable water utilities.

VEHICLE. Any vehicle, motorized or not, operated or designed to be operated on public or private highways, streets or roads. **VEHICLE** also means any machine, motorized or not, that is or can be used as a pleasure vehicle on private property, such as boats, snowmobiles and dirt bikes.

(Ord. 21-04, passed 7-14-2021)

§ 91.53 REGULATIONS.

(A) No person, firm or corporation shall park or store or permit to be parked or stored upon any premises within Silver Creek Township any vehicle, including any conveyance, boat, aircraft, or new or used parts therefrom, unless one or more of the following conditions exist:

- (1) Such parking or storage is located within a fully-enclosed building;
- (2) A special permit is first obtained therefor for a period of not to exceed 45 days from the Supervisor of Silver Creek Township or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of these regulations are still observed;
- (3) Such vehicle or conveyance is licensed or registered by the State of Michigan, is an operable vehicle or conveyance, has all of its main component parts attached, as hereinafter defined, has a proper and valid license plate displayed upon it, and is, in fact, regularly operated for its designed purpose;
- (4) Such vehicle(s), boats, trailers, cargo containers, railcars, railroad cars, semitruck trailer, boxcar, truck box, aircraft or conveyances are located in a duly

licensed and properly zoned junkyard, salvage yard, new or used car dealer's lot, automobile repair facility or storage yard where such uses or operations are legally authorized under the township zoning ordinance;

(5) Such vehicle or vehicles are awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop registered with the State of Michigan pursuant to 1974 PA 300, as amended, provided such vehicle or vehicles are locked, licensed by the State of Michigan, and are not a public nuisance; and

(6) Such vehicle, boat, trailer, aircraft or conveyance, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached as hereinafter defined; is, where subject to a license or registration, licensed or registered by the State of Michigan; is not in any manner a dismantled vehicle; and the premises do not contain any such vehicle, boat, aircraft, trailer or conveyance for longer than 14 days in any one calendar year.

(B) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle, boat, trailer, aircraft, cargo container, rail car, railroad car, box car, semi-truck trailer, truck box or conveyance or parts thereof upon any public right-of-way or public property (except for emergency minor repairs not exceeding one hour in duration) or upon any property not zoned for such purpose except such occasional minor work by the owner thereof as may infrequently be required to maintain the same in normal operating condition and as shall be accomplished within fully enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provisions of the Silver Creek Township Zoning Ordinance.

(C) The outdoor storage or placement of railroad cars, boxcars, cargo containers, land/sea/air containers and/or railcars, either with or without wheels attached, on any property which is not operated as a bona fide railroad in accordance with Michigan Public Act 354 of 1993, as amended, or a commercial or industrial storage yard authorized under the township zoning ordinance constitutes a violation of this subchapter.

(D) The foregoing shall not be construed to prohibit the storage of farm machinery, vehicles, equipment and material used for agricultural purposes upon an operating farm of not less than 20 acres. Farm equipment not in use but stored for parts shall be stored in an area totally obscured from adjacent premises and roads.

(E) Trailers, campers, mobile house trailers, semi-truck trailers, campers and other conveyances may be parked or stored upon premises in Silver Creek Township so long as the same are: (1) licensed; (2) operable; and (3) regularly used for their intended purposes. No conveyance, trailer, camper, unoccupied mobile home, mobile house trailer, or semi-truck trailer shall be parked, placed or stored upon premises within Silver Creek Township for use as a storage building or unit; nor shall any of the above be permitted to be utilized as a residential unit upon real property premises without principal permitted use within Silver Creek Township (see division (A)(6) above).

(Ord. 21-04, passed 7-14-2021)

§ 91.54 NUISANCE.

Any parking, storage, placement or operations in violation of the provisions of this subchapter are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the fines and penalties herein provided for.

(Ord. 21-04, passed 7-14-2021)

§ 91.55 SANCTIONS.

(A) Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this subchapter shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
1st offense within 3-year period*	\$150	\$500
2nd offense within 3-year period*	250	500
3rd offense within 3-year period*	375	500
4th or more offense within 3-year * period	500	500
*Determined on the basis of the date of commission of the offense(s).		

(B) Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Silver Creek Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10 or more than \$500 be ordered. In addition, the township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this subchapter. Each day that a violation exists shall constitute a separate offense.

(Ord. 21-04, passed 7-14-2021)

§ 91.99 PENALTY.

(A) Any person who shall be convicted of a violation of the regulations contained in §§ [91.01](#) through [91.05](#) shall be guilty of a misdemeanor and shall be punished by imprisonment of not more than 90 days or by fine of not more than \$500, or both such imprisonment or fine, as determined by a court of competent jurisdiction.

(B) In addition to, or in lieu of, seeking to enforce §§ [91.01](#) through [91.05](#) by proceed under division (A) above, the township may institute an appropriate action in a court of general jurisdiction equitable relief.

(Ord. 12-05, passed 8-8-2012)