

Part 75

75.000

**DISMANTLED CAR ORDINANCE\***  
**Ord. No. 33 (1 of 1965)**

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Village of Hopkins, Allegan County, Michigan, a municipal corporation. By the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, house trailers, and new or used parts or junk therefrom, within the Village of Hopkins; to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

THE VILLAGE OF HOPKINS ORDAINS:

**75.001 Name.**

Sec. 1. This Ordinance shall be known and cited as the Village of Hopkins Dismantled Car Ordinance.  
(Adopted: 8-29-65)

**75.002 Purpose.**

Sec. 2. The purpose of this Ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or nonoperating motor vehicles, house trailers, or new or used parts thereof upon premises primarily used or zoned for any type of residential purpose within the Village; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.  
(Adopted: 8-29-65)

**75.003 Regulations.**

Sec. 3.

- a. No person, firm, or corporation shall park, store, or place upon any public right-of-way or public property, or upon any premises that is primarily

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\*Cross reference—Abandoned vehicles, § 77.001.

used or is zoned for any type of residential purpose within the Village, any motor vehicle, house trailer, or tractor trailer or new or used parts or junk therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the Village, County, or State of Michigan, except for the following:

1. Duly licensed and operable vehicles or trailers with substantially all main component parts attached.
  2. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed 14 days.
  3. Occupied house trailers at a specific location authorized by permit of the Village Council.
- b. No repairing, re-designing, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of 24 hours except such as shall be accomplished within fully enclosed buildings and will not constitute a nuisance or annoyance to adjoining property owners or occupants. Any such work within such 24-hour period heretofore allowed shall not, however consist of any major repair, re-designing, modifying or dismantling work, but only such occasional minor work as may infrequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.
- c. In the event the foregoing regulations create any special or peculiar hardship beyond the control of

a particular violator thereof because of unforeseen circumstances, the President of the Village is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed 14 days provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the Ordinance are still substantially observed.

(Adopted: 8-29-65)

**75.004 Nuisance.**

Sec. 4. Any parking, storage, placement, or operation in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

(Adopted: 8-29-65)

**75.005 Construction.**

Sec. 5. This Ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body, or paint shop legally operating and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

(Adopted: 8-29-65)

**75.006 Saving clause.**

Sec. 6. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

(Adopted: 8-29-65)

**75.007 Penalty.**

Sec. 7. Any person, firm, or corporation who violated any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00, or by imprisonment in the County Jail for not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

In addition to the imposition of the foregoing fines and penalties, the President of the Village, any Village police officer, or such other officer as the Village may designate, may cause any vehicle, trailer, or parts thereof, which violate the provisions of this Ordinance to be removed from the premises, impounded and destroyed or sold for junk, in the discretion of said officer, and the cost thereof, assessed against the owner of such vehicle, trailer or parts thereof, or of the premises on which the same are located. Any sums realized on the sale of the same may be retained by the Village to reimburse it for the costs incurred in such removal and sale, to the extent of such costs. Any balance of such sums remaining after such reimbursement shall be returned to the owner of such vehicle, trailer, or parts thereof.

(Adopted: 8-29-65)

**75.008 Effective date; repeal.**

Sec. 8. This Ordinance shall take effect on August 29, 1965. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

(Adopted: 8-29-65)

Part 76

**76.000 TREES, SHRUBS AND PLANTS\***  
**Ord. No. 53**

THE VILLAGE OF HOPKINS ORDAINS:

**76.001 Control.**

Sec. 1.

- (a) The Council shall have control over all trees, shrubs, and plants planted or to be planted in the public highways, parks, or other public places of the Village. It shall have power to plant, prune, spray, and otherwise maintain such trees, plants, and shrubs, and to determine the type or kind of trees to be planted.
- (b) The words "public highway" shall be deemed to include all of the land lying between property lines on either side of all the public streets, boulevards and alleys in the Village.

**76.002 Planting of trees.**

Sec. 2.

- (a) No tree, shrub, or plant shall be placed in any public street, park, or public place except under the supervision of the Council and in accordance with the provisions of this Ordinance.
- (b) No poplar, box elder, or willow tree shall hereafter be planted in the public highways, parks, or other public places of the Village.

**76.003 Destruction.**

Sec. 3.

- (a) No person shall cut down, deface, destroy, damage or injure any tree, shrub, or plant upon the

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\*Cross reference—Noxious vegetation, § 77.001(10).

public highways or parks or other public places of the Village without first obtaining permission from the Council.

- (b) No person shall fasten any wire, rope, chain, or cable to any tree or shrub for the purpose of anchorage without a written permit from the Council.
- (c) No person shall nail, tie, or in any other manner fasten any cards, signs, posters, boards, or other article to any tree, shrub, or plant growing upon any public highway, park, or other public place in the Village.

#### **76.004 Overhanging trees and shrubs.**

##### **Sec. 4.**

- (a) Every owner of any tree, shrub, or plant overhanging the streets or highways within the Village shall trim the branches so that such branches shall not obstruct the light from any street lamp, or obstruct the view of any street intersection, and so that there shall be a clear space of 12 feet above the surface of the street or highway.
- (b) Said owner shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs of trees which constitute a menace to the safety of the public.

#### **76.005 Corner lots.**

Sec. 5. All bushes, shrubs, or plants located on any corner lot within the Village shall not be permitted to grow to a height of more than three feet above the surface of the roadway, in order that the view of the driver of a vehicle approaching the street intersection shall not be obstructed; provided, however, that if in the opinion of the Council the view of the driver would not be appreciably obstructed thereby, bushes, shrubs or plants located as above shall be permitted to grow more than three feet in height.

**76.006 Noxious weeds.****Sec. 6.**

- (a) No person who is the owner, possessor, or occupier of lands within the corporate limits shall fail to cut down all noxious weeds, including ragweed, Canada thistles, milkweed, wild carrot, oxeye daisies, poison ivy, dodders, mustards, bindweed, perennial sow thistles, or hoary alyssum, growing thereon, so often in each year as shall be sufficient to prevent them from going to seed, or on that portion of the public street or alley abutting said property and bounded by the established curb or gutter line.
- (b) Any tree, shrub, or plant, which endangers public property or the health or safety of the public is hereby declared to be a public nuisance. The Council shall give notice to the owner or occupier of the premises upon which such nuisance is located or adjoins that portion of the street or alley where such nuisance is located, to remove, trim or dispose of the same within five days after service of said notice.
- (c) If at the expiration of the time limit in said notice the owner or occupier has not complied with the requirements thereof, the Village Council or its Police Officer shall carry out the requirements of said notice.

**76.007 Failure to trim.**

Sec. 7. In all cases of violation, the Council shall by written notice order the owner of any tree, shrub, or plant, to trim or cut the same so as to comply with the provisions of this Ordinance. Such order shall be complied with within a period of 5 days.

Should the owner refuse or neglect to comply with such order within the 5-day period, the Council shall cause to be performed the necessary work. In such case the Village shall have an action at law against the

owner of such premises for the cost and expenses incident to such work and shall be entitled to a judgment for the same.

Any failure to comply with the provisions of this Ordinance, or with any lawful order of the Council after due notice thereof, shall be a violation of this Ordinance and punishable as provided herein.



Part 77

77.000

**NUISANCE ORDINANCE\***  
**Ord. No. 52**

An ordinance to prevent the creation and maintenance of nuisances; to preserve the public health, provide fire protection, to protect public safety, to preserve and protect property values, to eliminate blight and neighborhood deterioration, to protect public morals and decency, to promote good government, general welfare and the comfort and repose of the public by regulating matters pertaining to nuisances.

THE VILLAGE OF HOPKINS, ALLEGAN COUNTY, MICHIGAN,  
ORDAINS:

**77.001 Nuisances defined and prohibited.**

Sec. 1.

- (a) *Nuisances defined.* A nuisance shall be deemed whatever annoys, injures or endangers the safety, health, comfort, repose or tranquility of the public; offends public decency; interferes with or obstructs and renders dangerous any street, highway, lake or stream; or in any way renders the public insecure in life or property.
- (b) *Nuisances prohibited.* It is hereby declared to be unlawful for any owner, land contract vendee or occupant of any premises to maintain a public nuisance on either public or private property anywhere in the Village of Hopkins. The Village Council of the Village of Hopkins and the duly authorized attorney for the Village, may, in the name of the Village, prosecute violators under the provisions of this Ordinance, and/or obtain an order for the abatement of such nuisances or proceed in any court of competent jurisdiction for injunction, mandamus, abatement or take any other appropriate action for the enforcement of the provisions of

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\*Cross references—Offensive matter, Pt. 50; dangerous buildings, Pt. 100; dismantled cars, Pt. 75; building regulations, Pt. 115; plants and noxious weeds, Pt. 76; drilling of oil/gas, § 10.013; outdoor gatherings, Pt. 12.

this section. The following acts, equipment, apparatus and structures are hereby declared to be a nuisance per se, however, this enumeration shall not be deemed to be exclusive:

- (1) *Barking dogs—Unnecessary noises.* It shall be unlawful to permit in the Village of Hopkins any dog to continue any loud, incessant and unnecessary barking or keep any animal or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity; the making or causing of such disturbance or any other loud, unusual and unnecessary noise is declared to be a public nuisance.
- (2) *Storing abandoned vehicles.* The storing or parking of any motor vehicle, body or chassis of a motor vehicle, not bearing a currently valid motor vehicle license registration plate, in any district is hereby declared to be a nuisance and prohibited, unless such vehicle, body or chassis is enclosed in a building or other enclosure so as not to be visible from surrounding property, and the owner or occupant of any property upon which such storage or parking exists shall be deemed to have permitted the same. Provided, however, that such vehicles may be kept in commercial zones on the lots of dealers regularly engaged in the sale of new or used vehicles, and may also be stored for a reasonable time in such zone by those places of business regularly engaged in body and vehicle repairs.
- (3) *Owners and occupants responsible for premises being kept clean.* All owners, land contract vendees or persons who manage, lease, rent or occupy any premises whatsoever shall be equally responsible for keeping said premises in a clean and habitable condition and

shall take all necessary precautions to prevent any nuisance as herein declared, or condition detrimental to public health from arising thereon, and particularly to take all reasonable precautions to prevent the throwing, placing, depositing or leaving on any street, highway, alley, public place, or on any private place or premises any garbage, refuse, papers, tin cans, bottles, glass, rubbish, ashes, junk, inoperable machinery, or abandoned household goods or effects, where such throwing, placing or depositing is likely to be dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects or rodents.

- (4) *Littering of streets, parks and playgrounds.* The littering of public streets, alleys, roadways, parking areas, playgrounds, school and church yards, cemeteries, parks, beaches, camping areas or other public places is hereby expressly prohibited. No person shall throw, place, deposit or leave any garbage, refuse, papers, tin cans, bottles, glass, rubbish, ashes, junk, inoperable machinery or abandoned household goods or effects in any of the aforementioned places or in any public place, except in a duly designated public dumping ground or in trash containers expressly provided for that purpose.
- (5) *Smoke, soot, cinders, noxious acids, fumes, fly-ash and gases prohibited.* No person, firm or corporation shall permit or cause the escape of such quantities of smoke, soot, cinders, noxious acids, fly-ash, fumes and gases in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public or in such manner as to cause or have a tendency to cause injury or damage to property or business.

- (6) *Blocking of street or sidewalks.* Any use of the public streets or sidewalks, without first obtaining a permit for such purpose from the Village Council, which causes large crowds to gather or obstructs the free use of the streets or sidewalks is prohibited.
- (7) *Dangerous or damaged structures, excavations, stagnant ponds or pools of water.* All buildings, walls and other structures which have been damaged by fire, decay or otherwise, all excavations remaining unfilled or uncovered for a period of thirty (30) days or longer and all ponds and pools of stagnant water which are situated so as to endanger the safety of the public and to attract or endanger children are deemed to be a public nuisance.
- (8) *Open storage.* The open storage of building materials, supplies, construction machinery and equipment of any kind or sort whatsoever on any occupied or unoccupied lot in a residential zone is prohibited, except as may be permitted during a specified construction period as shown by a valid and existing building permit given for the erection, alteration or repair of a building on the site where such materials and equipment are stored. The open storage of goods, supplies, furnishings, furniture, except for lawn or patio furniture during the season, household equipment or household goods and effects of whatever kind is also expressly prohibited on any occupied or unoccupied lot in the residential zone.
- (9) *Unfinished buildings or structures.* It shall be unlawful to permit any unfinished building or structure for which a certificate of occupancy and compliance has not been given wherein construction, alteration or repair was begun under a valid building permit, or where such construction, alteration or repair was

begun in an unauthorized manner or where such structures were begun before the enactment of this Ordinance or were moved upon the premises to stand unfinished and uncompleted where such use shall constitute a menace to public health and safety or create an unreasonable detraction from the quality of the neighborhood so as to result in blight, deterioration and the depressing of property values in the district. After written notice that such a violation exists is given to the person who is the owner of record or land contract vendee of such property, such owner shall within thirty (30) days begin completion of construction or undertake the completion of repairs to such unfinished structure or raze the structure and clear and clean up the site, and proceed to the final abatement of such use within a reasonable time. Compliance with all existing building codes and sanitary requirements of the Village of Hopkins sanitary regulations of Allegan County, and applicable State regulations are a prerequisite to the completion or restoration of any building under this section.

- (10) *Owner to keep buildings in habitable condition.* Every building, dwelling or structure, including garages and outbuildings, shall be kept by the owner, land contract vendee or occupant thereof in a clean, neat, sanitary, structurally sound, usable and habitable condition in order to prevent the premises from becoming a nuisance. It shall be unlawful for any such owner, land contract vendee or occupant to allow a building to become abandoned and dilapidated or permit weeds or other noxious vegetation to grow, and trash, rubbish or refuse to accumulate on the property. Such owner or occupant shall be responsible for maintaining suitable and safe

means of ingress or egress, for preventing fire hazards, for adequate sanitary facilities on the premises, for preventing over-crowding and for providing proper ventilation and light. Whenever any such dwelling shall be deemed uninhabitable or unusable or the Village Building Inspector, the Village Fire Chief, the Allegan County Sanitarian or any or all such public officials, it shall thereupon be deemed a public nuisance and it shall thereafter be unlawful for any person to use or occupy the premises until put into a safe, structurally sound, sanitary, habitable and usable condition. After written notice that such violation exists is given to the owner of record, land contract vendee, or occupant of such property, such owner shall within thirty (30) days thereof, restore, and repair such structure so that it complies with the requirements of all existing building codes and sanitary regulations of the Village of Hopkins, applicable sanitary regulations of Allegan County, and all State laws and regulations relating to fire protection, safety and sanitation; or raze the structure and clear and clean up the site, and proceed to the final abatement of such use within a reasonable time.

- (11) *Vacant commercial buildings—Duty to maintain.* The owner or other person legally responsible shall have the duty to maintain any empty, unused, or unrented commercial or industrial buildings in a neat, clean and structurally sound manner to prevent the premises from becoming a nuisance; such vacant buildings shall have all windows glazed or neatly boarded up and shall be kept securely locked at all times. It shall be the owner's responsibility to keep the building free from all signs and posters not specifically authorized by such owner.

- (12) *Other nuisances.* All other acts, equipment, apparatus or structures that may be deemed to be a nuisance by virtue of interference with public health, safety, morals and general welfare; or shall disturb the peace, comfort or tranquility of any person or the public; or interfere with the use, enjoyment and benefit of property so as to depress property values and result in blight and deterioration; or interfere with the normal conduct of business, shall be deemed a public nuisance. The abatement of all such nuisances may be ordered as hereinbefore provided.

**77.002 Penalties for violation.**

Sec. 2.

- (a) *Penalties.* Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, punished by a fine of not to exceed One Hundred Dollars (\$100) and the costs of prosecution; or in default of payment thereof by imprisonment in the County Jail for not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the Court. Each day that a violation of this Ordinance is permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- (b) *Other procedures.* The Village of Hopkins and the duly authorized Attorney for the Village, or any owners of property affected by a public nuisance may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, or abate any unlawful nuisance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**77.003 Repeal of conflicting ordinances.**

Sec. 3. All other Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed except those that are held to be more restrictive.

**77.004 Validity.**

Sec. 4. This Ordinance and the various parts, sections, sub-sections, phrases and clauses are hereby declared to be severable. If any such part, section or sub-section is declared unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.



Parts 78—84. Reserved.

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