

PROPOSED ORDINANCE NO. 9

DEFINING PUBLIC NUISANCE, PROVIDING ABATEMENT AND ASSESSMENT FOR THE COST THEREOF, PRESCRIBING PENALTIES FOR VIOLATION OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by Whiteford Township that:

SECTION I. For the purposes of abating public nuisances and assessing for the cost thereof, and prescribing the conduct, whether of omission or commission, of any natural person, or business operating as a proprietorship, partnership, unincorporated association or corporation, as owner or occupier of any lot of land within the township limits of Whiteford Township, or of any building, house or other structure on any such lot of land, a public nuisance shall exist when:

(a) There is caused or suffered any such building, house or structure to become so out of repair and dilapidated that, in the condition it is permitted to be and remain, it shall or will if such condition is suffered to continue, endanger the life, limb or property of or cause hurt, damage or injury to persons or property using or being upon the streets or public Roads of Whiteford Township adjoining such lot of land, by reason of the collapse of such building, house or structure or by the falling of parts thereof or of objects therefrom, or

(b) There is caused or suffered any tree, stack, billboard or other object to remain standing in such condition that it shall or will, if such condition is suffered to continue, endanger the life, limb or property or cause hurt, damage or injury to persons or property upon the public streets or public roads adjacent thereto, by the falling thereof or of parts thereof, or,

(c) There is caused or suffered any excavation, cellar, open well or other opening on any

such lot of land to be unguarded or remain in such a condition that it shall or will, if such condition is suffered to continue, imperil the life, limb or property being used upon the public streets or public roads adjacent thereto, by falling or being cast therein, or

(d) There is caused or suffered the accumulation on any such lot of land or in any such building, house or structure of earth, rubbish or other materials which shall or will, if such condition is suffered to continue, attract and propagate vermin or insects endangering the public health, or

(e) There is caused or suffered any such building, house or structure to become so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire because of its condition and lack of repair in the opinion of the fire chief, or

(f) The Fire Chief shall have the right to order any framing shack, house or barn left standing after a fire, tornado or other disaster or holocaust razed or cleared away or bulldozed within thirty (30) days after the damage is done. If the order is not obeyed, the Fire Chief shall notify the supervisor who may take the necessary action against persons in possession, or

(g) There is caused or suffered the accumulation on any such lot of land or in any building, house or structure, of weeds, rubbish or other materials in an amount and in a condition that the same constitutes a fire hazard in the opinion of the Fire Chief, or

(h) There is caused or suffered the conduct of any business thereon or therein which by reason of noxious odors generated thereby, or of smoke, dust and dirt being cast therefrom endangers or is harmful to the public health, welfare, or safety, or materially

interferes with the peaceful and lawful use, comfort and enjoyment of owners or occupants of a proximate or adjacent lot of land or structure thereon in the opinion of the Michigan Department of Agriculture, or

(i) There is caused or suffered any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others during the hours of 10:00 P.M. to 6:00 A.M. in the opinion of the supervisor, or

(j) There is caused or suffered any placing, throwing, or discarding into any street, avenue, alley, park or public road, any dirt, paper, nails, pieces of glass or board, fruit parings or skins, garbage, waste, leaves or clippings, ashes, cans, bottles, cartons, boxes, furniture, oil, parts of automobiles or any other matter of unsightly or unsanitary nature, or place or throw, or discard such matter upon any sidewalk, or street crossing, or on any driveway, or upon the floor, stairway, or hallway of any public building, theatre or property of another, or

(k) There is caused or suffered any accumulation of any paper, fruit parings or skins, garbage, waste, ashes, cartons, boxes or any other matter of an unsightly or unsanitary nature in such manner that such matter could be blown onto any street, alley, park, public ground, sidewalk or property of another, or

(l) There is caused or suffered to stand any auto, truck, construction equipment, or any other equipment or machinery /or parts of any auto, truck, construction equipment or any other equipment or machinery not in running or operating condition, in or upon blocks or otherwise, without covering same or surrounding same with a

six (6) foot/^{board}fence or storage shed in a barn, garage or otherwise by an owner or person or persons in possession, as determined by the supervisor or

(m) There is caused or suffered to stand any auto, truck, tractor or trailer containing matter which if allowed to stand overnight would emit odors detectable more than twenty (20) feet away by the supervisor or would attract animals in search of food or other scavengers such as would endanger the life of surrounding persons or might be disease carriers endangering the lives of persons in the community, as determined by the Supervisor and Health Officer, or

(n) Wherever the word nuisance is used in this Ordinance, it refers to a public nuisance.

SECTION 2. In addition to what are specifically declared in this Ordinance to be public nuisances, those offenses which are known to the common law and the Statutes of Michigan as public nuisances may, in case any thereof exists within Whiteford Township, be treated as such and be proceeded against as is provided in this Ordinance; or in accordance with any other provision of law.

SECTION 3. Whenever complaint is made to the Supervisor of the existence of a public nuisance as defined in SECTIONS 1 and 2 hereof, he shall promptly inspect or cause to be inspected the premises on which it is alleged such public nuisance exists. Should the Supervisor after such inspection find that a public nuisance does exist, he shall promptly notify the person or persons, firm or corporation who from the property records of Whiteford Township, Michigan, appear to be the owners of such premises, or the person or persons in possession. Said Supervisor shall also leave a copy of such notice with the person in possession or charge

of said premises, if any, or oe no such person, he shall post a copy of the notice in a conspicuous place on the premises. Such notice shall refer to the provisions of this Ordinance and shall state that unless such nuisance is abated, proceedings will be taken in accordance herewith. Thirty (30) days after the notice to the owner or person or persons in possession the Supervisor shall inspect or order the inspection of said premises and make a written report of his findings which shall be filed with the Township Clerk.

Should the Supervisor find that a public nuisance exists and the nature thereof is such as to require its summary abatement and, if the condition is within the prohibitions of the Subsections of SECTION 1 hereof, the Supervisor, if he deems it necessary, shall cause photographs to be made of such nuisance and shall within forty-eight (48) hours thereafter take such action as is necessary to abate such nuisance at the expense of the owner or owners of the premises. In abating said nuisance the Supervisor shall not be required to give any further notice to the owner or owners of the premises or person or persons in possession upon which said nuisance exists.

SECTION 4. In the event that the Supervisor finds that a public nuisance as defined in SECTION 1 or 2 hereof exists and, if the condition is within the prohibitions of the Subsections of SECTION 1 hereof, the Building Inspector concurs in such finding, but that the nature thereof is not such as to require the summary abatement thereof, the Supervisor shall cause photographs of such nuisance to be made and filed with the reports of the officers aforesaid and shall cause to be served on the person, persons, firm or corporation who from the property records of Whiteford Township, Michigan appear to be the owners of the property involved or in possession, notice to abate such nuisance within thirty (30) days thereafter unless a shorter period of

time is reasonable under the circumstances. If a period less than thirty (30) days is allowed to abate such nuisance the time to be specified shall be determined by the Supervisor. A copy of said notice shall be left with the person in charge or possession of the premises, or if there be no such person, such notice shall be posted conspicuously on the premises. Any notice required by this SECTION or SECTION 3 of this Ordinance may be served on the owner or owners or person or persons in possession personally or by certified mail to the address shown on the tax records of Whiteford Township, Michigan. Any notice given pursuant to this SECTION shall state that if such notice is not abated within the time aforesaid the same will be abated by Whiteford Township at the expense of the owner or owners.

SECTION 5. Should the nuisance referred to in SECTION 4 hereof not be abated within the time stated in the notice given pursuant to such SECTION, the Supervisor or his authorized representative shall have the right to enter upon said premises and to abate said nuisance. In abating any nuisance said Supervisor may take such action as is necessary to complete the abatement of the same and should it be practicable to sell or salvage any material resulting from such abatement, he may cause the same to be sold at public or private sale at the best price obtainable and keep an account of the proceeds thereof. Such proceeds shall be deposited in the General Fund of Whiteford Township and any difference in the amount so received and the cost of abatement shall be reported to the Trustees of Whiteford Township, which shall levy an assessment against the premises upon which such nuisance was abated and cause such assessment to be certified and collected as other assessments by the Township.

Should the proceeds of the sale of any material salvaged in the course of such abatement exceed the cost thereof, the amount of such excess shall be paid to the owner or owners of the premises upon filing of a claim thereof and

proof of title and right to such surplus.

The Supervisor may utilize any labor or equipment of the Township in making such abatement or may contract for the abatement thereof if such contract may be let without any expense whatever to Whiteford Township.

SECTION 6. Any person, being able so to do, shall neglect or refuse to obey a proper order issued by the Supervisor or his duly authorized representative pursuant to this Ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$100.00 for each offense. Each and every day after the time specified in any notice provided for herein that such nuisance shall be permitted to exist shall be deemed a separate and distinct offense hereunder. No proceeding under this SECTION may be maintained unless the Building Inspector, Legal Officer, and the Supervisor of Whiteford Township, Michigan, or their duly authorized representative, shall unanimously find that a public nuisance as defined in this Ordinance exists and should be abated.

SECTION 7. This Ordinance shall be deemed to be an enlargement and not a limitation or restriction on the power or authority of the Township or any officer thereof to take any action or bring any suit or proceeding in respect to public nuisances otherwise provided for by law or ordinance of Whiteford Township.

SECTION 8. This Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health and safety in that the authorization and procedure provided

for herein is urgently required for the proper and efficient
conduct of Township affairs.

Vote on emergency clause Yeas 4 Nays 0

Passed as an emergency measure: June 17, 1965
~~May 20, 1965~~

Erwin W. Murty
Supervisor

ATTEST:

Ernest W. de Ponte, Clerk