

## Ordinance 37A

## Regulation of Nuisance Ordinance

The Board of the Charter Township of Chocolay, Marquette County, Michigan, ORDAINS:

That Ordinance No. 37, Regulation of Nuisance Ordinance of the Charter Township of Chocolay, shall be, and the same hereby is, amended as follows:

## REPEALER

Ordinance No. 37, Regulation of Nuisance Ordinance of the Charter Township of Chocolay, as adopted on August 27, 1979, together with all the various subsections thereof and amendments thereto, inclusive, of Ordinance No. 37, Regulation of Nuisance Ordinance of the Charter Township of Chocolay, and any other ordinance, resolution, order, or parts thereof in conflict with the provisions of this amendment are, to the extent of such conflict, hereby repealed. This repeal shall be effective on the effective date of the following amendments.

## AMENDMENTS

1. Ordinance No. 37, Regulation of Nuisance Ordinance of the Charter Township of Chocolay, shall be, and the same hereby is, amended to read as follows:

An ordinance to define, prevent, reduce or eliminate nuisances, nuisance factors, or causes of nuisance within the Charter Township of Chocolay, County of Marquette, State of Michigan, thereby providing for the public health and for the safety of persons and property within said Township; to provide for the enforcement hereof; and to provide penalties for the violation hereof, pursuant to the authority granted by amended Act No. 70, P.A. 1949, being MSA 5.46(15).

Section 37.1 Purpose

Consistent with the letter and spirit of the provisions of MCL 42.15 (MSA 5.46(15)), and MCL 42.17 (MSA 4.56(17)), which authorize Charter Townships to enact ordinances to provide for the public health and for the safety of persons and property therein, to regulate the construction of buildings for the preservation of public health and safety, and to regulate the conduct of business, it is the purpose of this ordinance to prevent, reduce, or eliminate nuisances, nuisance factors, or causes of nuisance within the Charter Township of Chocolay, County of Marquette, State of Michigan, thereby providing for the public health and for the safety of persons and property within said Township; to provide for the enforcement of this ordinance; to provide a means by which said nuisance, nuisance factors, or causes of nuisance may be abated; and to provide penalties for the violation of this ordinance.

Section 37.2 Definitions

- A. Whatever injures or endangers the safety, health, or welfare of the public; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this ordinance.
- B. For purposes of this Ordinance, the term "garbage" shall mean rejected food waste including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that

which attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable.

- C. For purposes of this Ordinance, the term "rubbish" shall mean non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that may be a detriment to the public health and safety.
- D. For purposes of this Ordinance, the term "junk" shall include, but not be limited to, parts of machinery, inoperable appliances, and scrap metal or other cast off material of any kind, whether or not the same could be put to any reasonable use.

#### Section 37.3 Nuisance Prohibited

On and after the effective date of this ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any nuisance, nuisance factors, or causes of nuisance upon any property in the Charter Township of Chocolay which is either owned, leased, rented, occupied, or otherwise under the control of any such person, firm, or corporation.

#### Section 37.4 Specific Nuisances

The following uses, structures, and activities are hereby specifically deemed to be nuisances, nuisance factors, or causes of nuisance and are hereby prohibited by this ordinance:

- A. Junk, garbage, or rubbish. In any zoning district, the storage or accumulation of junk, garbage, or rubbish of any kind, without a landfill construction or operation permit, except for:
- (1) The storage or accumulation of domestic garbage, rubbish, or junk in such a manner so as not to create a health or safety hazard;
  - (2) The maintenance for non-commercial purposes of a compost pile in such a manner so as not to create a health or safety hazard.
- B. Damaged or deteriorated structures. In any zoning district, the existence of any structure or part of any structure which has any of the following defects or is in any one of the following conditions:
- (1) Whenever any portion of such structure has been damaged by fire, wind, flood, or by other cause in such a manner that the structural strength or stability has been adversely affected to the extent that the structure or any part or parts thereof are likely to fall, to become detached, to become dislodged, or to collapse and thereby result in injury or damage to persons or property.
  - (2) Whenever the structure, or any part thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such structure or portion thereof, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of said structure is likely to fall or give way.

- (3) Whenever such structure becomes vacant, dilapidated, and open at door or window, leaving the interior of said structure exposed to the elements or accessible to entrance by trespassers.

#### Section 37.5 Enforcement and Penalties for Violation

- A. This Ordinance shall be enforced by such persons as may be so designated by the Township Board.
- B. Allowing a nuisance, nuisance factor, or cause of nuisance to exist on a property after the deadline for abatement specified in the written notice required in sub-section C below shall constitute a violation of this ordinance.
- C. Upon identifying a nuisance, nuisance factor, or cause of nuisance upon any property in the Charter Township of Chocolay, the enforcement officer shall contact the owner or occupant of the property in writing by first class mail or personal service to require abatement of the nuisance. A period of time within which the nuisance must be abated shall be stated by the enforcement officer in the written notice. Additional time may be granted by the enforcement officer, where, in his opinion, bona fide efforts to remove the nuisance are in progress.
- D. For purposes of this Section 37.5 of this Ordinance, the owner of any property upon which any nuisance, nuisance factors, or causes of nuisance are found shall be deemed to be the person or entity identified as any such owner on the tax roll of the Charter Township of Chocolay, and where there may be more than one such owner, notice to any one owner shall be deemed to be notice to all such owners.
- E. Each day or fraction thereof that such violation of this Ordinance continues after the deadline for abatement specified in the notice shall be a separate civil infraction, each of which shall be punishable upon a finding of responsibility by a fine not to exceed One Hundred (\$100.00) Dollars, plus court costs. Any violation of this ordinance is declared to be a public nuisance per se, and in addition to the penalties specified here for such violation, the Township may seek to enforce compliance with the terms and provisions of this ordinance by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulation, or civil or criminal law.

#### Section 37,6 Emergency Abatement of Nuisances

- A. The Township Supervisor may take immediate reasonable measures to abate any nuisance, nuisance factor, or cause of nuisance, without the prior approval or order of the Township Board, if, in the opinion of said Township Supervisor, the public health or safety requires immediate action. The cost of such emergency abatement measures shall be charged against the property and the owner thereof in accordance with the provisions of Section 37.7 of this Ordinance.

#### Section 37.7 Cost of Abatement

- A. Any expense incurred by the Charter Township of Chocolay for the purpose of abating a nuisance, nuisance factor, or cause of nuisance, pursuant to the provisions of this Ordinance, shall be chargeable against the property upon which such nuisance, nuisance factors, or causes of nuisance were located, and the owner thereof. An account of the labor, materials, or services for which such expense was incurred, and the name of the owner of such property shall be reported to the Township Treasurer, who shall immediately charge and

bill such owner. Such bill shall be sent by first class mail to any owner of the property shown on the tax rolls of the Township.

- B. Said bill shall also notify the owner of such property of the date of a meeting of the Township Board, not less than sixty (60) days thereafter, when said Township Board shall meet for the purpose of adopting a resolution placing a special assessment upon said property for such charges, unless such charges are paid prior to the date of such meeting. At such meeting, the Township Board shall adopt a special assessment resolution covering each parcel of land for which such charges have not theretofore been paid in full. As many parcels may be included in a single resolution as may be necessary. The adoption of such a resolution shall be deemed the equivalent of the confirmation of a special assessment roll by the Township Board, and the Township Clerk shall endorse the date of confirmation upon each special assessment resolution. Each special assessment shall, upon such confirmation, be final and conclusive.

#### Section 37.8 Attachment of Lien

Each special assessment confirmed pursuant to the provisions of this Ordinance shall, from the date of such confirmation, constitute a lien upon the property so assessed, and until paid, shall be a charge against the owner of the property. Such lien shall be of the same character and effect as a lien created for taxes, and shall include accrued interest and penalties.

#### Section 37.9 Collection by Court Action

In addition to any other remedies and without impairing the lien therefore, any assessment levied pursuant to the provisions of this Ordinance, together with interest and penalties thereon, may be collected in an action commenced in the name of the Charter Township of Chocolay against the person or persons assessed in any Court having jurisdiction in such matters. If, in any such action, it shall appear by reason of any irregularities or informalities the assessment has not been properly made against the person assessed, or upon the premises sought to be charged, the Court may, nevertheless, on satisfactory proof that such expense has been incurred by the Township, render judgement for the amount properly chargeable against such person or persons, or upon such property.

#### Section 37.10 Disposition of Funds Collected

Except as otherwise provided by any Ordinance, funds collected by Court action or by special assessment levied pursuant to the provisions of this Ordinance shall be credited to such funds of the Charter Township of Chocolay as were debited to pay for the costs of the abatement for which such assessment was levied.

#### Section 37.11 Severability

The several sections of this Ordinance shall be deemed severable, and should any section, clause, or provision thereof be declared unconstitutional or contrary to the laws of the State of Michigan, and therefore void, by any court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part of section so declared to be unconstitutional or invalid.

These amendments shall be published within thirty days following their adoption, and shall become effective on the day following such publication.

Adopted by the Township Board of the Charter Township of Chocolay on the 19th day of June, 1989.

I hereby certify that this is the official true and accurate copy Ordinance No. 37A - Regulation of Nuisance Ordinance of the Charter Township of Chocolay, Marquette County, Michigan. Ordinance No. 37A.

AYES: 6

NAYS:

ABSENT: Richard Bohjanen (at time of voting)

DATED: June 19, 1989



Arlene E. Hill, Clerk  
Charter Township of Chocolay

ATTESTED:



Ivan J. Fende, Supervisor  
Charter Township of Chocolay

Dates of Publication in "Mining Journal"

1. June 13, 1989
2. June 28, 1989

Township Board vote final adoption:

AYES: Ivan J. Fende, Arlene E. Hill, John Greenberg, Thomas Thomas, Lois Sherbinow, Michael Summers

ABSENT: Richard Bohjanen (at time of voting).