

ORDINANCE NO. 2

Nuisance and Junk Ordinance

An ordinance to provide for the exercise of certain municipal powers of the Charter Township of Madison to promote the health, safety, and welfare of persons and property in the township and to provide penalties for the violation of the provisions thereof.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Nuisance Defined and Prohibited

Whatever injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway or stream; or in any way renders the public insecure in life and property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by a provision by this ordinance. No person shall commit, create or maintaining any public nuisance.

Section 2. Littering and Accumulation of Garbage, Rubbish, and Other Material

No person shall place, deposit, throw, scatter or leave in any street, alley or public place, or on the private property of another, any refuse, waste, garbage, dead animal, rubbish, wash water or other noxious or unsightly material which interferes with the operation and use of motor vehicles in streets, alleys or public places. It shall be the duty of every occupant of property and the owner of unoccupied property at all times to maintain the premises occupied or owned by him, in a clean and orderly condition, permitting no deposit or accumulation of garbage or rubbish upon such premises, unless stored or accumulated as hereinafter provided. It shall be the duty of every occupant of property and the owner of unoccupied property to place any rubbish and/or garbage accumulated or stored outside of a dwelling or building of any premises in containers which shall be placed at the rear or side of buildings in a place which is reasonable inconspicuous and away from street and places occupied by other persons. Such containers, when used for the storage or accumulation of garbage or rubbish which is contaminated by garbage shall be constructed of nonabsorbent materials, shall be kept in a clean and sanitary condition and shall be covered. Such containers used for the accumulation and storage of rubbish shall be covered if there is a likelihood that rubbish will be carried therefrom by wind or other natural causes. Garbage and rubbish accumulated as aforesaid must be disposed of within a reasonable period of time in a manner not inconsistent with the provisions of this ordinance.

Section 3. Abandoned or Inoperable Motor Vehicles and Appliances

It shall be the duty of the occupant of every premises and the owner of unoccupied premises to keep dismantled, partially dismantled or inoperative motor vehicles or appliances which shall be stored, placed or permitted to be stored or placed on premises owned or occupied by him, in a wholly enclosed garage or other wholly enclosed structure. Provided, however, that the owner of such motor vehicles or appliances may store on the premises of which he is owner, co-owner, or tenant, any such vehicles that are properly licensed that are not deemed excessive in number. Provided further, that the occupant of every premises and the owner of unoccupied premises shall not leave in any place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an air tight door, or lock which may not be released or opened from the inside of said icebox or refrigerator or container unless the said lock or door has been removed therefrom.

Section 4. Cutting and Removing of Grass, Weeds and Other Poisonous or Harmful Vegetation

- a. No person owning and/or occupying any premises within the Township (the "Responsible Parties") shall fail to keep cut down any grass, ragweed, Canada thistles, burdocks, crabgrass, quack grass, wild-growing bushes, wild carrots, purple loosestrife, or other noxious weeds growing on property occupied or owned by him or growing on the portion of a street which adjoins property occupied or owned by him.
- b. It shall be the duty of the Responsible Parties to cut, remove, or destroy by lawful means, all such weeds and grass as often as may be necessary to comply with the provisions of subsection (a) of this section. Any such weeds or grass which attain a height of 8 inches are hereby declared to be a public nuisance.
- c. A Responsible Party who violates any of the provisions of this section is responsible for a municipal civil infraction.
- d. If the provisions of this section are not complied with, and if any weeds, grass or other vegetation described in subsection (a) of this section are permitted to attain a height of eight (8) inches on any property described in such section, the township may cause such weeds, grass or other vegetation to be cut, removed or destroyed and a cutting fee of \$140.00 or actual costs, whichever is greater, to cover the costs associated with enforcement, shall be billed to the Responsible Parties.
- e. The Township Treasurer shall mail an itemized invoice to the Responsible Parties to their last known address(es). Such invoice shall be due and payable within thirty (30) days of the date of mailing and any amounts unpaid after such date shall bear a late payment fee equal to one percent (1%) per month or fraction thereof that the amount due remains unpaid.

- f. Any invoices not paid when due shall constitute a lien upon the real property where the Township performed the work. Such lien shall be of the same character and effect as a lien created for unpaid Township real property taxes and shall include accrued interest. The Township Treasurer shall prior to March 1 of each year, certify to the Township Assessor the fact that such assessable costs are delinquent and unpaid. The Township Assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes.
- g. Notice of the provisions of this section shall be published in a newspaper circulating within the township once each month during the months of May through September of each year, which notice is deemed and declared to be adequate and sufficient notice to all persons affected hereby.

Section 5. Definitions

Unless the context indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- a. "Appliance" shall mean any mechanism which is operated by gas, electric current or motor, including, but not limited to, an ice box, refrigerator, or stove.
- b. "Garbage" shall mean all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products, and shall include all such substances from all public and private establishments and from all residences.
- c. "Motor Vehicles" are hereby defined as any wheeled vehicles which are self-propelled or intended to be self-propelled.
 - 1. "Inoperable Motor Vehicles" are defined as motor vehicles which by reason of dismantling, lack of repair, or other cause are incapable of being propelled under their own power.
 - 2. "Dismantled or Partially Dismantled Motor Vehicles" are defined as motor vehicles from which some part or parts which are ordinarily a component of such motor vehicle has been removed or is missing.
- d. "Person" shall mean and include persons, corporations, partnerships associations, joint stock companies, societies and all other entities of any kind capable of being sued.
- e. "Rubbish" shall mean dirt, leaves, grass trimming, tin cans, wastepaper, ashes, straw, shavings, junk and in general, non-putrescible wastes, normally incident to the lawful use of the premises on which accumulated.

Section 6. Duty of Owner, Lessee or Occupant

It shall be the duty of any owner, lessee or occupant of any land within the Township to abate any nuisance existing on property located within the township under the owner's, lessee's or occupant's control. This includes the removal of all forbidden items as set forth above and the cutting and removing by lawful means all such brush, weeds, grass or other poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this ordinance.

Section 7. Township to Do Work

If any owner, lessee or occupant of any land within the Township, fails to comply with the provisions of ordinance, the Township Board shall serve either personally, or by certified or regular mail, written notice upon the owner, lessee, or occupant or any person having the care or control of any such land to comply with the provisions of this ordinance. If the person upon whom the notice is served fails to abate the nuisance within five (5) days after receipt of such notice, or if no owner can be found of such land, the Township Board shall cause the nuisance to be abated and the actual cost doing so shall be certified by the Township Board and shall become and be a lien upon the land where the nuisance was located and shall be assessed and collected in the same manner provided by law for collection of taxes.

Section 8. Penalty

Every person convicted of a violation of any provision of this Ordinance or any rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than one hundred (\$100.00) dollars and costs of prosecution or imprisonment for not more than ninety (90) days or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall contribute a separate offense. The imposition of any such sentence shall not exempt the offender from compliance with the Ordinance.

Section 9. Severability

If any court of law of equity within the State of Michigan determines that any provision within this Ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same Section and other Sections of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Section 10. Enforceability or Mandatory Injunction

As a cumulative remedy to Section 6 above entitled PENALTY any person who violates any provision of this ordinance or any rule or regulation adopted or issued in pursuance thereof, may be made a party defendant in a suit in the Circuit Court for the County of Lenawee; the Charter Township of Madison shall have the power, through its attorneys, to request that said Circuit Court issue a mandatory injunction compelling the said party

defendant in violation of this ordinance to forthwith comply with said Ordinance.

Section 11. Effective Date

This Ordinance shall become effective thirty (30) days after its adoption.

YEAS: (7) Dusseau, Holtz, Myers, Eaton, Smith, Richardson and Roback

NAYS: (0) None

ABSENT: (0) None

Ordinance declared adopted on March 9, 1999.

Theodore C. Dusseau
Township Supervisor for the
Charter Township of Madison

CERTIFICATE OF ADOPTION AND PUBLICATION

I, James O. Holtz, the duly elected Clerk of the Charter Township of Madison certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Madison on March 9, 1999 and published in the Adrian Daily Telegram, a newspaper circulated in the Charter Township of Madison on March 12, 1999.

James O. Holtz
Township Clerk for the
Charter Township of Madison