

# Alcona Township Ordinance No. 93-002

## NUISANCE ORDINANCE

An ordinance to prevent, reduce, or eliminate nuisances or causes of nuisances in Alcona Township, Alcona County, Michigan; to provide for the enforcement thereof, and to provide penalties for the violation thereof.

### SECTION 1 - NUISANCE DEFINED

Whatever annoys, injures or endangers the safety, health, comfort, convenience, or repose of the public, offends public decency, interferes with, obstructs or renders dangerous any public place, street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared a public nuisance.

Public nuisance shall include but not be limited to, keeping, placing or having in or about any shop, dwelling, or premises owned or occupied by any person, or in any manner, leaving any public place, other than authorized public dumping places, any animal or vegetable matter, or substance which may cause any unwholesome, noisome, or offensive smell; or carrying any filthy or loathsome trade or occupations which may be deemed prejudicial to health.

Public nuisances shall also include, but not be limited to, that which the Township of Alcona; by proper resolution, may declare as such and order abated.

Public nuisances shall also include, but no be limited to, whatever is forbidden by any provision of this ordinance.

### SECTION 2 - NUISANCES PROHIBITED

**DANGEROUS STRUCTURES:** No person shall maintain any structure which is unsafe or which is a menace to the health, morals or safety of the public.

**JUNK:** For the purposes of this ordinance, the term "junk" shall mean any machinery, appliance, products, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

**JUNK AUTOMOBILES:** For the purposes of this ordinance, the term "junk" automobiles shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of one hundred twenty (120) days and shall include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of ninety (90) days.

**RUBBISH-DEBRIS:** Means the miscellaneous materials resulting from housekeeping mercantile enterprises, trade, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, metal cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

### SECTION 3 - ABATEMENT

I The Township Board may at its option elect to enforce the provisions of this Ordinance by one of the following methods or any combination thereof:

They may prosecute the person committing, creating, or maintaining the nuisance for a violation or the provisions of this Ordinance; or

They may cause the nuisance for a violation of this Ordinance; or

When any lot, building, or structure within the township, because of accumulation of refuse or debris, the uncontrolled growing of noxious weeds, or age or dilapidation; or because of any other condition or happening, becomes, in the opinion of the Township Board, a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the Township of Alcona or those residing or habitually going near such lot, building, or structure, the Township board may, after investigation, give notice by publication or by registered mail addressed to the last known address of the owner or owners of the land upon which such nuisance exists, or to the owner of the building or structure itself, specifying the nature of the nuisance and requiring the owner to alter, repair, tear down, abate or remove the nuisance promptly and within a time to be specified by the Township Board, which shall be commensurate with the nature of the nuisance. f, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the

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owner of the land or of the building or structure itself is not known, the Township Board may order such hazard or nuisance abated by the proper department or agency or the Township which is qualified to do the work required, or may do the work by contract or by hire and the cost of such abatement assessed against the lot, premises or description of the real property upon which such hazard or nuisance is located, by special assessment.

### **SECTION 4 - COSTS**

The cost of abatement by the township of any nuisance shall be collected from the owner or occupant of the property upon which the nuisance was committed, created or maintained, or from the person committing, creating or maintaining it, in action at law.

### **SECTION 5 - ENFORCEMENT AND PENALTIES**

This Ordinance shall be enforced by law enforcement personnel and such persons who shall be so designated by the Township Board.

The owner, if possible, and the occupant of any property upon which any of the nuisance set forth in Section 3 hereof is found to exist shall be notified in writing to remove or eliminate such causes of nuisances from such property within ten (10) days after service of the notice upon him. Such notice may be served personally or by registered mail, return receipt requested. Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of nuisances are in progress.

Failure to comply with such notice within the time allowed by the owner or the occupant shall constitute a violation of this Ordinance.

Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding one hundred (\$100.00) dollars or by imprisonment not exceeding thirty (30) days or by both such fine and imprisonment at the discretion of the court. Each day that a violation shall continue shall constitute a separate offense.

### **SECTION 6 - VALIDITY**

The several provisions of this Ordinance are declared to be separate and the determination by any court or Judge of competent jurisdiction that any section or provision thereof, is valid shall not affect or impair the validity of any other section or portion.

### **SECTION 7 - EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after adopted and published.

ADOPTED: September 14, 1993

(signed) Tina Gauthier, Alcona Township Clerk

Affidavit of publication on file at the office of the Township Clerk, Alcona Township, Alcona County, Michigan.