

TOWNSHIP NUISANCE ORDINANCE
Ordinance No. 05-03 of 2003

An Ordinance to protect the public health, safety and general welfare by eliminating blight; to define and prohibit blight; and to provide penalties for violations.

THE TOWNSHIPS OF: BEAR LAKE, BLUE LAKE, COLDSPRINGS,
EXCELSIOR, KALKASKA, OLIVER, ORANGE, RAPID RIVER,
AND SPRINGFIELD, HEREBY ORDAIN:

Section 1 - Definitions

As used in this Ordinance the following terms shall have the meanings prescribed in this section.

- A. "Building materials" includes but is not limited to lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in construction of any structure.
- B. "Garbage" means rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables; discarded food containers, as well as any other household refuse.

Tree leaves, twigs, weeds, grass clippings, fruits, vegetables, and garden waste, in a properly maintained composting system, is not defined as garbage.

- C. "Junk" is any manufactured goods, appliance, fixture, furniture, machinery, trailer, boat or personal property or any part of the preceding things, or anything, whether of value or valueless, that is demolished, discarded, completely or partially dismantled, dilapidated, wrecked, scrapped, ruined, junked or so worn, deteriorated, or in such a condition as to be generally unusable or inoperable in its existing state.
- D. "Junk motor vehicle" means a motor vehicle which is (a) damaged, (b) missing a major component part, (c) used as a storage shed or storage container and is damaged or missing a major component part or (4) is not capable of operation because of missing or broken parts and cannot be made operational by simple mechanical or electrical repairs or simple replacement of any part(s) in order to qualify for use under the Michigan Motor Vehicle Code, 1939 PA No. 300, as amended and includes wreckage, any parts(s) of a motor vehicle except the following:
1. A motor vehicle in operating condition eligible for use in accordance with the requirements of the Michigan Motor Vehicle Code, 1939 PA No. 300, as amended.
 2. A motor vehicle in operating condition held as stock in trade by a regularly licensed dealer of new and used motor vehicles or equipment held as stock in

- trade.
3. A motor vehicle or parts thereof located in junk yards or the places of business of wreckers duly licensed by state, county, or township authority pursuant to state law or local zoning law.
 4. A motor vehicle temporarily inoperable due to minor mechanical or electrical failure, but which is not a junk vehicle. The motor vehicle may remain upon the premises in the temporary inoperable condition for a period of time not to exceed an aggregate total of forty-five (45) days, and is thereafter subject to the provisions of this Ordinance.
 5. No more than one modified vehicle in fully operating condition such as a stock modified, redesigned or reconstructed vehicle for a purpose other than that for which it was manufactured may be permitted, provided no building, garage, structure or enclosure is located upon the premises in which the vehicle could be parked or stored and also that in no event shall any such stock modified, remodeled or reconstructed vehicle be parked in the front or side yard area of any residential premises so as to be subject to public view or access.
 6. The lack of a current registration plate is not, in and of itself, a basis for the determination that the motor vehicle is a junk vehicle.
- E. "Liquid industrial wastes" means any liquid brine, by-product, industrial wastewater, leachate, off-specification commercial product, sludge, grease-trap clean-out residue, used oil, or other liquid waste produced by, incident to or resulting from industrial or commercial activity except any liquid brine normally used or stored in regard to oil or gas extraction on a site permitted by Michigan Supervisor of Wells.
- F. "Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- G. "Rubbish" means nonputrescible solid wastes including ashes, paper, cardboard, metal containers, glass, bedding, crockery, bags, rags, and demolished materials.
- H. "Sealed container" means a covered, closable container which is rodent-proof, fly-proof and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.
- I. "Totally closed structure" means a building capable of being sealed on all sides, such as a house, garage or storage shed with a roof, floor and walls of closable doors around its perimeter.
- J. "Township Board" means the Township Board of the Township in which the blight, or nuisance, is occurring.

Section 2 - Prohibition of Blight and Nuisances

No person shall maintain or permit to be maintained any of the following types of blight or nuisances upon any property owned, rented, or occupied by such person:

- A. The outdoor storage of more than two (2) junk motor vehicles. The term "junk motor vehicle" shall include any motor vehicle which does not have a current license plate on it and which has been inoperable for any reason for a period in excess of forty-five (45) days.
- B. The keeping or storage of building materials outside on private property six (6) months after an occupancy permit is issued by the Kalkaska County Construction Code Department. This subsection, however, shall not apply to building materials kept or stored outside on private property if the materials are kept and stored in an orderly fashion.
- C. The storage or accumulation of garbage of any kind, except domestic refuse originating on the premises and stored in a sanitary manner for a period not to exceed fourteen (14) days.
- D. The keeping or storage of ashes, junk, garbage or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for the purpose of holding such ashes, junk, garbage, or rubbish.
- E. The placing of ashes, junk, garbage or rubbish on private property without the owner's permission or on public property. This provision applies regardless of the whether the ashes, junk, garbage or rubbish is in a sealed container.
- F. The intentional depositing of oils, motor fuels, anti-freeze, liquid petroleum crude oil, liquid petroleum crude oil by-products and derivatives or liquid industrial wastes on the ground.
- G. The existence of any structure or damaged partial structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling, nor currently useful for any other purposes for which it may have been intended. Usable vacant buildings are to be kept secure from entry by the public.

Section 3 - Industrial Usage

The storage or keeping of salvageable metal or wood shall not be prohibited on property on which is located a factory engaged in manufacturing, assembling or machining as long as the salvageable metal or wood is for resale or reuse by the occupant of the property.

Section 4 - Penalty

Any person violating the provisions of this ordinance shall be subject, upon conviction, to

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a fine not to exceed \$500.00 or by imprisonment in the county jail for not more than 90 days or both such fine and imprisonment plus costs of prosecution. Each day that a violation continues to exist shall constitute a separate violation of this ordinance.

Section 5 – Enforcement

The Township Supervisor, or other person officially designated by the Township Board, shall issue notifications to eliminate nuisances or blight. If a property owner fails to eliminate such nuisance or blight after notification has been sent to the address shown on the Township Tax Roll, and the Township Board deems such nuisance or blight to be a danger to the public health or safety, the nuisance or blight will be reported to Kalkaska County Sheriff's Department for investigation, and if appropriate, referred to the; Kalkaska County Prosecutor for prosecution.

Section 6 - Abatement by Township

If the owner or possessor of any property on which a nuisance exists fails to eliminate a nuisance after having received Notice from the Township of the existence of the nuisance, the Township Supervisor, or person designated by the Township, may take such steps as are necessary to abate or eliminate the nuisance. The Notice shall describe the location of the property, describe the nature of the nuisance and give ten (10) days in which the owner or possessor may eliminate the nuisance without intervention by the Township. The written Notice may be served personally, or may be sent by first-class mail to the last known address of the owner or occupier of the premises. The time period shall commence on the date of the personal service or in the case of mailing service, shall be deemed to have taken place on the date of mailing.

The cost of elimination of the nuisance by the Township, including reasonable attorney fees, may be collected in a lawsuit against the owner and/or possessor of the property on which the nuisance existed and/or against the person who committed, created, or maintained the nuisance.

Section 7 - Intergovernmental Agreement

The Township may authorize another governmental entity to perform all or part of the enforcement and abatement functions set forth in this ordinance through a duly adopted intergovernmental agreement with that other governmental entity.

Section 8 - Validity

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of the Ordinance which can be given effect without the invalid

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portion or application.

Section 9 - Separate Court Action

Nothing in this Ordinance shall prohibit the Township or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance. A violation of this Ordinance is deemed to be a nuisance per se.

Section 10 - Effective Date

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

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EXCELSIOR, KALKASKA, OLIVER, ORANGE, RAPID RIVER, AND
SPRINGFIELD.