

PORTLAND TOWNSHIP BOARD OF TRUSTEES
Resolution No. 10-12-22

**RESOLUTION TO ADOPT AMENDMENTS TO PART 7 (NUISANCE ORDINANCE)
REGARDING TEXT AMENDMENTS TO ARTICLE 1, SECTION 7.1.03 AND PART 8
(MUNICIPAL CIVIL INFRACTIONS) FOR TEXT AMENDMENTS TO SECTION
8.1.02 (7) OF THE PORTLAND TOWNSHIP CODE OF ORDINANCES.**

At a regular meeting of the Township Board of Portland Township (the "Township"), Ionia County, Michigan, held at the Township Hall in said Township on this 12th day of October 2022 at 7:00 pm (time).

Present: Chris Jensen, Charlene Keilen, Michelle Schneider, Sue VanLente, Mark Simon

Absent: None

The following resolution was offered by Mark Simon and supported by Sue VanLente:

WHEREAS, Public Act 246 of 1945, MCL 41.181 *et seq.*, as amended, authorizes a township board to adopt and amend ordinances that regulate the public health, safety and general welfare of persons and property and to codify such ordinances; and,

WHEREAS, the Township Board has determined that amendments to Part 7 (the "Nuisance Ordinance") and Part 8 (Municipal Civil Infractions) of the Portland Township Code of Ordinances are necessary and proper to amend language for mailing violation letters and describe repeat offenses and,

WHEREAS, the Board of Trustees has determined that amending the Nuisance Ordinance, Part 7 and the Municipal Civil Infractions Ordinance Part 8, is in the best interest of the public health, safety and welfare of Township residents.

NOW THEREFORE, be it resolved by the Board of Portland Township, Ionia County, Michigan, as follows:

1. Ordinance No.100-10-2022, Amendments to Part 7 (Nuisance Ordinance) and Part 8 (Municipal Civil Infractions) of The Portland Township Code of Ordinances to Amend the Part 7 and Part 8 Text attached to this Resolution, is hereby adopted.
2. This Ordinance shall be filed with the Township Clerk.

3. The Township Clerk shall publish notice of adoption of this Ordinance in a newspaper of general circulation in the Township within 15 days after adoption.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed.

ADOPTED:

Yeas: 5

Nays: 0

Absent: 0

STATE OF MICHIGAN)
)
COUNTY OF IONIA)

I, the undersigned, the duly elected Clerk of Portland Township, Ionia County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete representation of certain proceedings conducted by the Board of Trustees of said Township at a meeting held on this 12th day of October 2022.

Charlene Keilen
Portland Township Clerk

Note – original document is signed

PORTLAND TOWNSHIP
ORDINANCE NO. 100-10-2022
Adopted 10-12-2022
Effective Date: November 22, 2022

**AN ORDINANCE TO ADOPT AMENDMENTS TO PART 7 (NUISANCE ORDINANCE)
REGARDING TEXT AMENDMENTS TO ARTICLE 1, SECTION 7.1.03 AND PART 8
(MUNICIPAL CIVIL INFRACTIONS) FOR TEXT AMENDMENTS TO ARTICLE 1,
SECTION 8.1.02 (7) OF THE PORTLAND TOWNSHIP CODE OF
ORDINANCES.SHOWN BELOW IN ITS ENTIRETY.**

THE TOWNSHIP OF PORTLAND ORDAINS:

SECTION 1:

Part 7 Nuisance Ordinance
Article 1: General Provisions

Section 7.1.03: Abatement; notice, authority of officers

Whenever any public nuisance described in Section 7.1.01 or 7.1.02 shall exist upon Township property or upon the property of another municipal corporation within the boundaries of the Township, said public nuisance may be abated by the Township or its agent without notice and the cost of abatement charged as provided in Section 7.1.05 of this Article. Except as provided in Article 2 of this Part for junk or abandoned motor vehicles, whenever any such public nuisance shall exist on private premises within the Township, the Township or its agent ~~shall~~may give notice in writing by certified mail with return receipt requested, and addressed to the owner or occupant of the property where the public nuisance exists or to the person(s) otherwise responsible for said public nuisance. Said notice shall specify the location and nature of the public nuisance and shall indicate that such owner or occupant or person otherwise responsible is required to repair, tear down, abate or otherwise remove the public nuisance within 30 days of the receipt of the notice. Following the issuance of said notice, the Township or its agent may proceed to initiate civil or criminal proceedings permitted by law to abate the nuisance.

If the Township intends to abate the nuisance by entering the property and causing the work to be done to repair, tear down, abate or otherwise remove the nuisance and charge the cost, thereof, to the property owner, the Township shall advise the owner or occupant that a hearing may be requested within the 30 day period pursuant to Section 7.1.04 of this Article. If no hearing is requested in the time allotted or following a hearing held pursuant to Section 7.1.04 of this Article, said nuisance may then be repaired, torn down, abated or otherwise removed by the Township or its agent and the cost thereof charged as provided in Section 7.1.05 of this Article. If the actual owner or occupant of the premises is unknown or cannot be located, notice may be given by posting a copy of said notice upon a conspicuous part of the property where the public nuisance is located and by mailing a copy of said notice by certified mail with return receipt requested, and addressed to the

owner or party in interest at the address shown on the Township tax records, at least 10 days before further action by the Township or its agent.

SECTION 2:

Part 8 Municipal Civil Infractions Ordinance

Article 1: General Provisions

Sec. 8.1.02. Definitions.

7) **Repeat Offense** means any second or subsequent violation of the same ordinance, for which the person is found responsible or admits responsibility, committed by the person within any ~~2-month~~ 12 month period (unless some other period is specifically provided by this Part or any ordinance).

SECTION 3:

Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

SECTION 4:

Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 5:

Effective Date. This Ordinance shall be effective thirty (30) days after publication.

ADOPTED:

Yeas: 5

Nays: 0

Absent: 0

STATE OF MICHIGAN)

)

COUNTY OF IONIA)

I, the undersigned, the duly elected Clerk of Portland Township, Ionia County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete representation of certain proceedings conducted by the Board of Trustees of said Township at a meeting held on this 12th day of October 2022.

Charlene Keilen
Portland Township Clerk

Note – original document is signed