

PORTLAND TOWNSHIP BOARD OF TRUSTEES
Resolution No. 6-12-19

**RESOLUTION TO ADOPT AMENDMENTS TO PART 7 (NUISANCE ORDINANCE)
OF THE PORTLAND TOWNSHIP CODE OF ORDINANCES REGARDING TEXT
AMENDMENTS TO ARTICLE 1, SECTION 7.1.03.**

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 June, 2019.

Present: Charlene Keilen, Chris Jensen, Sue Vanlente, Mark Simon

Absent: Leanne Simon

The following resolution was offered by Mark Simon and supported by Chris Jensen:

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 of the Portland Township Code of Ordinances (the "Nuisance Ordinance") are necessary and proper to amend the time of allowed correction of a nuisance and,

WHEREAS, the Board of Trustees has determined that amending the Nuisance Ordinance, Part 7, Article 1 - Section 7.1.03: Abatement; notice, authority of officers 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.100-6-19, Amendments to Part 7 (Nuisance Ordinance) of The Portland Township Code of Ordinances to Amend the Nuisance Ordinance 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 Any and all resolutions that are in conflict with this Resolution are hereby repealed.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: 4

Nays: 0

Absent: 1

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 June, 2019.

Charlene Keilen
Portland Township Clerk

Note – original is signed

PORTLAND TOWNSHIP

ORDINANCE NO. 100-6-19

Adopted 6-12-19

Effective Date 7-23-19

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

THE TOWNSHIP OF PORTLAND ORDAINS:

SECTION 1:

Part 7 Nuisance Ordinance

Article 1: General Provisions

Sec. 7.1.03: Abatement; notice, authority of officers

PART 7 - NUISANCES

Article 1: General Provisions

Section 7.1.01: Public Nuisance Defined and Prohibited

Whatever annoys, injures or endangers the safety, health, welfare, comfort or repose of the public; offends public decency or aesthetic sensibilities; 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. No person shall commit, create or maintain any public nuisance.

Section 7.1.02: Nuisances Per Se

The following acts, apparatus, accumulations and activities are hereby declared to be public nuisances:

- A. No person shall maintain or permit to remain on premises owned or occupied by him; or throw, place or leave; or permit the throwing, placing or leaving on the premises of another, including any roadway, any of the following substances: organic refuse, food wastes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor covering, wallpaper, waste paper, newspapers or magazines, discarded appliances, rubbish, excrement, rot, construction debris, including but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding; yard debris or rubbish, including but not limited to, industrial waste, unclean or nauseous fluids or gases, in any of the following locations:
- (1) Any public street, highway, lane, road, alley, public place, square, sidewalk or any lands within the boundaries of Portland Township owned by Portland Township, County of Ionia, State of Michigan or other municipal corporation.
 - (2) Any river, lake, stream or other body of water.
 - (3) Any private place or premises where in the opinion of the Township or its agent the specified substances constitute a dangerous condition; or are detrimental to the public health, safety or welfare; or offend aesthetic sensibilities; or may cause sickness; or attract flies, insects, rodents or vermin.
- B. The emission of noxious fumes or gas, smoke, ashes or soot in such quantities as to render occupancy of property dangerous or uncomfortable to a person of ordinary sensibilities.
- C. The keeping of explosives, flammable liquids or other dangerous substances stored in any manner or in any amount contrary to the provisions of any statute or applicable administrative regulation of the State of Michigan.
- D. All dangerous, unguarded excavations or dangerous, unguarded machinery in any public place, or so situated, left or operated on private property as to attract the public.
- E. The owning, driving or moving upon the public streets and alleys of a truck or other motor vehicle which is constructed or loaded so as to permit any part of its load or contents to be deposited upon any street, alley, sidewalk or other public or private place, or which deposits from its wheels, tires, or other parts unto the street, alley, sidewalk or other public or private place, dirt, grease, sticky substances or foreign matter of any kind. Provided, however, that under circumstances determined by the Township or its agent to be in the public interest, the Township may grant persons temporary exemption from the provisions of this subsection conditioned upon cleaning and correcting the violating condition as specified by the Township or its agent and execution of an agreement by such

person to reimburse the Township for any extraordinary maintenance expenses incurred by the Township in connection with such violation.

- F. The keeping of bees unless permitted by the zoning ordinance and the Michigan Right to Farm Act, 1981 PA 93, when such keeping results in the disturbance of the safety, comfort and repose of one or more persons, or shall render one or more persons insecure in the use of his or her property.
- G. The keeping of horses or livestock unless permitted by the zoning ordinance and the Michigan Right to Farm Act, 1981 PA 93 or the failure to keep horses or livestock within sufficient fences, barricades or restraints to keep such animals from entering the public way or the property of another.
- H. The keeping, either inside or outside of any building, structure, or dwelling, in a place accessible to children, any abandoned, unattended, unused or discarded icebox, refrigerator or any air tight container of any kind which has a snap latch or other locking device thereon, without first removing the snap latch or other locking device, or the doors, from such icebox, refrigerator or other such air tight container.
- I. Abandoning, leaving, keeping or maintaining a junk or abandoned motor vehicle, as provided in Article 2 of this Part.

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 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 7.1.04: Hearing

If, after notice provided under Section 7.1.03 of this Article the recipient of said notice requests a hearing as therein provided, a hearing shall be held before a hearing officer appointed by the Township to determine the applicability of this Part to the property in question. The appointed hearing officer shall make a decision with written findings of fact based upon his investigation and evidence presented at the hearing as to whether the condition in question violates the provisions of this Article. If the appointed hearing officer determines that the condition violates the provisions of this Article, he shall order the person requesting the hearing or owner or occupant of the premises in question to repair, tear down, abate or otherwise remove the nuisance in question within a reasonable time but not less than five (5) days. If the public nuisance is not repaired, torn down, abated or otherwise removed within the period allowed by the order, the Township or its agent may repair, tear down, abate or otherwise remove said public nuisance and charge the cost thereof as provided in Section 7.1.05 of this Part.

Section 7.1.05: Public Nuisances; Emergency Abatement; Costs

The Township or its agent may act to abate a public nuisance without giving notice as specified in Section 7.1.03, if the public health, safety or welfare requires immediate action. The cost of abating such nuisance shall be charged as specified in Section 7.1.06.

Section 7.1.06: Abatement; Costs

All expenses incurred by the Township or its agent in repairing, tearing down, abating or otherwise removing a public nuisance under this Part shall be charged to the person responsible therefor, the occupant of the land in question or the person who appears as owner or party in interest upon the last local tax assessment records of the Township. If said person fails to pay said charge within 30 days after a statement therefor is mailed to him, the amount of expenses incurred by the Township in repairing, tearing down, abating or otherwise removing the public nuisance may be paid from the Township general fund and the amount thereof assessed against the lands on which said expenditures were made on the next general assessment roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense, said lien to be enforced in the manner prescribed by the general laws of the State providing for the enforcement of tax liens.

Section 7.1.07: Penalties

Violations of the provisions of this Part shall constitute a municipal civil infraction. Any person who is found responsible or admits responsibility for a municipal civil infraction shall be subject to a civil fine and costs. The civil fines are set forth in Part 8 of this Code of Ordinances unless otherwise specified. Further, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, including attorney fees, to which the plaintiff has been put in connection with the municipal civil infraction, up to the entry of judgment. However, in no case shall costs of more than \$500.00 be ordered. Each violation shall be considered a separate offense.

SECTION 2:

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 3:

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 4:

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

ADOPTED:

Yeas: 4

Nays: 0

Absent: 1

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 June, 2019.

Charlene Keilen

Portland Township Clerk

Note – original is signed

