

FREDONIA TOWNSHIP NUISANCE ORDINANCE

SECTION I: Intent of Ordinance

The Township of Fredonia, County Calhoun, ordains an Ordinance to secure the public peace, health, safety, and welfare of the citizens of the Township of Fredonia, Calhoun County, Michigan, by the regulation of stored materials within said township and to provide penalties for the violation therefore.

SECTION II: Description of Ordinance

The Township of Fredonia, Calhoun County ordains:

It is hereby determined that there exists on privately owned parcels of land within Fredonia township accumulations of improperly stored personal property which constitutes a hazard to the public health, safety, and welfare of the residents of Fredonia Township for the reasons that they provide a habitat conducive to breeding and nesting of rats, mice, and other vermin and also that they contain sharp objects with sharp edges and other hazards which could injure small children who could be attracted to play thereon, without appreciating the danger thereof, that they serve as a detriment to the aesthetic value of the Township and diminish property values and that the regulations contained in this Ordinance are the minimal regulations required to eliminate the foregoing undesirable conditions and protect the public health, safety, and welfare. Consistent with the letter and spirit of ACT No. 344 of Public Acts of 1945 as amended, it is the purpose of this Ordinance to prevent, reduce, or eliminate nuisance or potential blight in the Township of Fredonia by the prevention or elimination of certain environmental causes and/or factors which may in the future exist in said Township.

NO person, firm, or corporation shall permit any junk, debris, waste material, combustible material or other miscellaneous unused, insanitary or dangerous material or equipment, or other source of filth or cause of sickness to accumulate in unreasonable or abnormal quantities in, on, or adjoining the property owned or occupied by such person, firm, or corporation. The determination of whether such accumulation is unreasonable shall be made by the Enforcement Officer, which shall be determined by the following standards.

SECTION III: Definitions

Examples of such include the following, but may not be limited to the following:
Hazardous materials shall include those substances regulated by Federal or State of Michigan Regulations as hazardous materials.

ASHES mean the residue from burning of wood, coke, or other combustible materials.

BUILDING shall mean any structure where persons reside, are employed or congregate, or which is designed or intended for such use.

BUILDING INSPECTOR shall include any designated officer or designated person for the function of such Building Inspector therein where the function of such building and inspection therein involves investigation of any violation of the Township Nuisance Ordinance.

GARBAGE means rejected food waste including waste in accumulation of animal, fruit, or vegetable matter used or intended for food or that intended for preparation, use, cooking, dealing or storing of meat, fish, fowl, fruit, or vegetable, or processed grain products.

LITTER shall mean all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances of every kind and description.

SCRAP means non-serviceable automobiles, farm machinery, or other machinery (non-agricultural related) that is not in service or has not been in service by the owner for any extended period of time, or used appliances or other materials determined to be of a similar nature by the Ordinance enforcement officer.

REFUSE means putrescible and non-putrescible waste, body waste, and includes garbage, ashes, rubbish, incinerator ash, incinerator residue, street cleanings and solid market and industrial waste.

RUBBISH means non-putrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind that will be detrimental to the public health, safety or welfare.

NUISANCE shall include any acts, omissions, defects, or conditions that threaten danger to, or which may be detrimental to the lives, health, or safety of the public.

OWNERS AND PERSONS OWNING PREMISES shall mean both the holder of the title of record and those occupying or in possessions of any property or premises.

PREMISES shall mean any parcel or tract of land and shall include any building thereon.

The foregoing shall not be construed to prohibit the storage of farm machinery, vehicles, equipment and material used for agricultural purposes upon an operating farm of not less than 20 acres.

SECTION IV: Enforcement

The Township Board shall designate an Ordinance Enforcement Officer to act as agent for the Township Board in inspecting suspect violations of this Ordinance and also for recommending action to be taken by the Township Board. The determination of whether such accumulation is unreasonable and abnormal shall be made by the Enforcement Officer of Fredonia Township, which shall be governed in such determination by the following standards:

All premises affected by this article shall be subject to inspection by the Enforcement Officer, and the Enforcement Officer may collect such samples for laboratory examinations, as well as photos, videos, or other proof of existence, as he/she deems necessary for the enforcement of this section.

No person shall refuse to permit the Enforcement Officer to inspect any premises at reasonable times, nor shall any person molest or resist the Enforcement Officer in the discharge of his/her duties.

When any of the causes afore mentioned in Section II are found to exist, the owner or occupant found responsible shall be notified by certified mail, with return receipt, or personal notification, that he or she must remove or eliminate such existing condition from the property within 30 days.

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

A decision of the Ordinance Officer may be appealed to the Fredonia Township Board of Trustees according to procedures on file with the Fredonia Township Clerk. The decision on appeal to the Fredonia Township Board of Trustees on whether any accumulations or storage method violates the provisions of this Ordinance shall be final and conclusive.

Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine to be determined by Township Board Resolution. At the discretion of the Township Board every day that such a violation shall continue will constitute a separate and distinct violation under the provisions of this Ordinance.

In addition to the imposition of the aforesaid fines and penalties, if any person, firm, or corporation refuses or neglects to comply with an order of the Township Board issued under this Ordinance, said Board may cause the said nuisance, source of filth or cause of sickness or accumulation to be removed, and all expenses incurred thereby shall be paid by the owner or occupant of such premises. If the owner or occupant of such premises shall refuse, on demand of said Township Board, to pay such expenses so incurred, any sum so paid shall be assessed against such property and shall be collected and treated in the same manner as are taxes assessed under the general laws of the State of Michigan. If the occupant or any other person shall have caused or permitted such violation to exist, he/she shall be liable to the owner of said premises for any amount so paid by such owner or assessed against such property, which amount shall be recoverable in an action at law.

SECTION V: SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any cause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

SECTION VI: Nuisance Ordinance Right to Appeal

Any violation under this Ordinance may be appealed in writing by the property owner, directed to the Township Board, and received by said Township within ten (10) days of the date of complaint form completed by the Township Ordinance Inspector.

All items of complaint are to be individually addressed by the property owner. All appeals are subject to the open meetings act. Postings of appeals will be publicly posted and/or publicized in a local newspaper circulated within the Township of Fredonia.

Penalties:

Any person or the agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any violation of any provision of this Ordinance may be subject to penalties, fines, and/or imprisonment. Each and every day during which an illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed as separate offenses.

The Township Board, the Township Planning Commission, the Township Zoning Administrator, the Board of Appeals, the Attorney of the Township or any owner or owners of real estate within the district in which said building, structure or land is situated may institute injunction, mandamus, abatement or any other appropriate action, actions, or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, construction, maintenance or use.

Effective Date:

This Ordinance shall take effect thirty (30) days after date of publication of such Ordinance and the same shall be published in a newspaper circulating within the Township of Fredonia once in said newspaper on or before thirty (30) days from the date of passage.

This Ordinance is hereby declared to have been passed and adopted by the Township of Fredonia, County of Calhoun, State of Michigan, at a regularly scheduled Meeting thereof, duly called and held the *21st* day of *July 1997*.

FREDONIA TOWNSHIP COMPLAINT FORM FOR NUISANCE ORDINANCE

IMPORTANT - PLEASE NOTE: If a freedom of information request is filed to view this document or if it is necessary to take legal action against the suspected offender, BY LAW, your name may be released to the individual requesting this information.

*LOCATION of suspected: _____

*OWNER'S NAME, if known: _____

(NOTE: If more than one complaint, please fill out another form.)

*COMPLAINT NAME (yours): _____

*COMPLAINT ADDRESS (yours): _____

*PHONE NUMBER (yours): _____

SECTION (S), SUB-SECTION(S) ORDINANCE COMPLAINT file against (name):

ORDINANCE SECTION(S) OR SUB-SECTION(S):

WHAT IS THE COMPLAINT? _____

*Indicates REQUIRED Field

BELOW THIS LINE FOR COMMITTEE USE ONLY

PROPERTY IDENTIFICATION NUMBER: _____

NAME AND ADDRESS OF OWNER, IF DIFFERENT FROM THAT ABOVE:

COMMITTEE RECOMMENDATION: _____

DATE: _____

Enforcement officer, Fredonia Township

Print & Complete the above form, including all "Required Fields", and submit to the Fredonia Township Clerk.