

Adopted: 7/15/2019
Effective: 7/15/2019

TOWNSHIP OF MAPLE GROVE
COUNTY OF SAGINAW

NUISANCE ORDINANCE NO. 7-2019-2

AN ORDINANCE TO ABATE NUISANCES AND TO PRESCRIBE A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE IN THE TOWNSHIP OF MAPLE GROVE, SAGINAW COUNTY, MICHIGAN.

THE TOWNSHIP OF MAPLE GROVE ORDAINS:

Section 1.

The word “persons” or “person” as used in this Ordinance means a natural person and also includes corporations, partnerships and associations and their officers and officials existing under or authorized to exist under the laws of the State of Michigan or of any other state or any foreign country.

Section 2.

The word “nuisance” as used in this Ordinance means any act or acts or omission to act on the part of any person which creates or permits the existence of a situation which annoys, injures or endangers the peace, welfare, order, health or safety of the public in their persons or property. As defined herein, a nuisance includes but is not limited to conditions which render persons insecure in life or in the use and enjoyment of their property, such as effects and emanations from noise, glare, lights, vibrations, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, decaying matter, whether such effects and emanations are nature or result from human or mechanical alteration or manipulation of materials. A nuisance also includes residues or leachings from deposits of matter which seep into water on the surface or in the ground thereby making it unfit or unpalatable for human consumption, or for use by domestic animals. A nuisance includes a condition which is indecent, obnoxious, or offensive to the senses.

Section 3. PENALTY.

Any person who creates, causes, allows, suffers or permits the existence of a nuisance is responsible for municipal civil infraction as defined by Michigan law and subject to a civil fine as described in MAPLE GROVE GENERAL ORDINANCE 8-1-2009. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

Section 4. ABATEMENT.

- a) It is the duty of the person who creates, causes, allows, suffers or permits the existence of a nuisance, to abate the same. The term “abate” or “abatement” shall include demolition removal, repair, maintenance, construction, reconstruction, replacement and reconditioning of structures, appliances, appurtenances or equipment; and it shall also include removal, transportation, burying, disposal and treatment of refuse, manure or other substance or media capable of causing obnoxious odors or of attracting and breeding flies, and the application of chemicals, insecticides or other substances or the use of mechanical means to control, eradicate and eliminate the nuisance conditions, including screen-belts of trees and fences.

- b) 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, such intent, and the advisement of the owner or occupant that a hearing may be requested within the ten-day period pursuant to Section 6(a) of this ordinance, shall be done. If no hearing is requested in the time allotted, or following a hearing held pursuant to Section 6(a), such nuisance may then be repaired, torn down, abated, or otherwise removed by the Township Ordinance Enforcement Officer or his/her agent and the cost thereof charged as provided in Section 6(b). If the actual owner or occupant of the premises is unknown or cannot be located, notice may be given by posting a copy of such notice upon a

conspicuous part of the property where the public nuisance is located and by mailing a copy of such notice by certified mail, return receipt requested, 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 Ordinance Enforcement Officer.

Section 5. ENFORCEMENT.

Whenever any public nuisance shall exist on private premises within the Township, the Township Ordinance Enforcement Officer or his/her agent shall give notice in writing by certified mail, return receipt requested, addressed to the owner or occupant of the property where the public nuisance exists or to the person otherwise responsible for such public nuisance. Such notice shall specify the locations 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 ten days of the receipt of the notice. Following the issuance of such notice, the Township Ordinance Enforcement Officer or his/her agent may proceed to initiate civil infraction or other civil proceedings permitted by law to abate the public nuisance. If a nuisance is identified by a resident they can fill out a complaint form at the township office and our Township Ordinance Enforcement Officer or his/her agent will follow up on the nuisance.

Section 6. HEARING.

- a) If, after notice provided under Section 4(b), the recipient of the notice requests a hearing as therein provided, a hearing shall be held before the Township Supervisor or a hearing officer appointed by the Township Board of Trustees to determine whether a violation of this Ordinance has or is occurring on the property in question. The Township Supervisor or his appointed hearing officer shall make a decision with written findings of facts based upon his investigation and evidence presented at the hearing as to whether the condition in question violates the provisions of this Ordinance. If the Township Supervisor or his/her appointed hearing officer determines that the condition violates the provisions of this Ordinance, he/she 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 days. If the public nuisance is not repaired, torn down, abated, or otherwise removed within the period allowed in the order, the Township Ordinance Enforcement Officer or his/her agent may repair, tear down, abate, or otherwise remove such public nuisance and charge the cost thereof as provided in Section 6(b).

- b) All expenses incurred by the Township Ordinance Enforcement Officer or his/her agent in repairing, tearing down, abating, or otherwise removing a public nuisance under this Ordinance shall be charged to the person responsible therefore, 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 such person fails to pay the charge within 30 days after a statement therefore is mailed to him or her, the amount of expenses incurred by the Township in repairing, tearing down, abating, or otherwise removing the nuisance may be paid from the Township general fund and the amount thereof assessed against the lands on which the 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, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

Section 7.

This ordinance shall become effective thirty (30) days after our public hearing, and approval at our next board meeting.

