

45.000

NUISANCE ORDINANCE

An ordinance to declare certain conditions existing within the township a nuisance; to provide for abatement of same; and to provide penalties for the violation thereof.

THE TOWNSHIP OF PORTER, CASS COUNTY, MICHIGAN ORDAINES;

45.001

PURPOSE; To provide the means to address conditions that could be unsafe or unhealthy for the general public and/or be a detriment to the property values of township residents.

45.002

DEFINITIONS.

A “Nuisance”

1. All Zoned Districts

- a. For the purpose of this ordinance, the term “nuisance” in general means the unlawful doing of any act or omitting to perform any duty, which act or omissions, injures, or endangers the, health or safety of others.
- b. It shall be considered a “nuisance” of any person in charge of or in control of premises, whether as owner, lessee, tenant, occupant, or otherwise, whose patrons, customers, or employees commit any act outlined in this ordinance. (Amended 11/22/2007)
- c. Any conditions or use of premises or building exterior which is detrimental to the property of others or which causes or tends to cause substantial diminution of other property in the neighborhood in which said premises are located, including but not limited to, the keeping or disposing on or the scattering over the premises of any of the following: (1) junk, trash, or debris; (2) abandoned, discarded or unused objects, farm machinery or equipment such as furniture, stoves, refrigerator, freezers, cans or containers; (3) any decomposable substances, specifically including substances edible by and attractive to rodents (i.e. rats) or other vermin and any substances, including garbage, fish and offal, filth and refuse, constituting breeding areas for flies and bacteria; and (4) tall grass, noxious weeds and brush that create a hazard.

2. As to maintenance of dwelling units

See Dangerous Buildings Ordinance, Section II,A. (Amended 6-8-2010)

3. As to the exterior storage of non-functioning and/or unlicensed vehicles, farm implements and/or machinery.

It shall be considered a “nuisance” of any person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise, to allow any partially dismantled, wrecked, junked, discarded or otherwise non-functioning and/or unlicensed motor vehicle, farm implement or machinery, water craft, abandoned trailer, or water craft accessories (i.e. boat lifts etc.) to remain on such property, or the public road right of way, or to leave any vehicle on the road right of way for more than fourteen (14) days except when said right of way abuts inhabited residential property; subject to the following exceptions.

- a. Any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property
- b. Vehicles, equipment and implements on the premises of a business enterprise, including agriculture which is being operated in a lawful place and manner and when the keeping or maintaining of such vehicles, equipment and implements are necessary and/or incidental to the operation of such business enterprise;
- c. Any vehicle in appropriate storage place or depository maintained in a lawful place and manner by the County of Cass or other public agency or entity.

B. **“Person”** The term “person” shall mean any individual, association, firm, partnership, or corporation.

C. **“Vehicle”** Any unit with two (2) or more wheels whether propelled by an engine fueled with gasoline or any other substance or designed to be drawn by a powered vehicle without regard to whether such vehicle is licensed or licensable for highway use including snowmobiles. This definition specifically includes, but is not limited to automobiles, trucks, vans, earth-moving equipment, tractors, farm machinery, trailers (including travel trailers) and unoccupied or abandoned mobile homes not affixed to real property

D. **“Township”**. The term “Township” shall mean Township of Porter, Cass County, Michigan.

E. **“Enforcement Officer”**. The person or persons charged with the enforcing of this ordinance shall be the Enforcement Officer of the Township or any other person who shall be authorized by the Township Board to enforce this ordinance.

45.003

NUISANCES PROHIBITED

A. No person, owning, leasing, occupying or having charge of any premises within the Township shall maintain or keep nuisance thereon as herein defined.

B. In the event the foregoing regulations create any special or peculiar hardship beyond the control of a particular violator thereof because of unforeseen circumstances, the Building and Enforcement Officer of the Township is hereby given the authority to grant written permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed thirty (30) days providing no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the ordinance are still substantially observed.

C. This Ordinance shall not prevent the operation of any licensed junkyard, salvage yard, garage, body or paint shop legally operating within a proper zone as defined in the Porter Township Zoning Ordinance, and shall be in addition to any other laws or Ordinances respecting rubbish, refuse, litter, trash, or junk control regulations. Lawfully operated junkyards where the business of wrecking and salvage of inoperable motor vehicles is carried on and licensed automobile dealers at their recognized place of business are exempt from the provisions of the Ordinance; provided, such a business is carried on with a proper permit or permits in an area properly zoned for such purposes. (Amended 05/31/08)

45.004

ADMINISTRATION AND ENFORCEMENT OF ORDINANCE.

A. Whenever any “nuisance” shall be found, seen or brought to the attention of the Enforcement Officer, the Enforcement officer, or his authorized representative, after initial informal contact (s) to correct the “nuisance”, shall serve a written Notice of Violation thereof ordering the abatement or removal thereof within fifteen (15) calendar days at his/her expense and appear at the Township Office within fourteen (14) days and pay the scheduled fine.

B. All fines and enforcement procedures required by this ordinance shall be subject to the procedures outlined in the Township Decriminalization Ordinance, Ordinance number 27 as was adopted June 9, 1998 and amended May 11, 1999.

45.005 **CIVIL RELIEF** Any person who, by reason of another’s violations of any provision of this Ordinance, suffers special damage to himself which is different from that suffered by any other property owner throughout the Township generally, may bring a civil action or proceeding to enjoin or otherwise abate such violations and/or to recover money damages suffered thereby.

45.006 **VALIDITY AND SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable; and if any clause, sentence, words, section or provision is declared void or unenforceable for any reason by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

45.007 **REPEALER PROVISION** All Ordinances and parts of Ordinances inconsistent or in conflict herewith, are hereby expressly repealed to the extent of such conflict.

45.008 **EFFECTIVE DATE** This Ordinance shall take effect and be in force from and after thirty (30) days after publication.

45.009 **PUBLICATION** This Ordinance is ordered to be given publication in the manner prescribed by law.

45.010 **ADOPTION DATE** This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Porter, Cass County, Michigan at a meeting held on the 13th day of February A.D. 2001; and this ordinance is ordered to be published by law.

Published March 6, 2001