

ORDINANCE NO. 3 - 2010 NUISANCE ABATEMENT

An ordinance to preserve the peace, welfare, order, health, and safety of persons and property in the Township, and to prescribe a penalty for the violation of the provisions of this Ordinance.

THE TOWNSHIP OF SIDNEY ORDAINS:

Section 1. Definitions.

- A. 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.
- B. "Nuisance" as used in this Ordinance means any act or acts or omissions to act on the part of any person which creates or permits the existence of a situation which annoys, injures, or endangers the safety, health, welfare, comfort, or repose of the public in their persons and property. 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, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, decaying matter, whether such effects and emanations are natural or result from human or mechanical alteration or manipulation of materials. A nuisance includes a condition which is indecent, obnoxious, or offensive to the senses.

Section 2. Nuisances Per Se. The following acts, apparatus, accumulations, violations, and activities are hereby declared to be public nuisances:

- A. Noxious weeds and other rank vegetation.
- B. The existence of any damaged structure or partial structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable or useful for any other purpose for which it may have been intended.
- C. The existence of any vacant building, garage or other outbuilding unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.
- D. The existence of any *incomplete structure unless such structure is in the course of construction in accordance with a valid building permit issued by the Township and unless such construction is completed within a reasonable time.*
- E. Any building, structure or other place or location where any activity in violation of local, state or federal law is conducted, performed or maintained.
- F. Any building, vehicle or place used for the unlawful manufacture, transporting, sale, keeping for sale, bartering or furnishing of any controlled substance as defined in section 7104 of the Public Health Code, Act 368 of 1978, (MCL

333.7104), and/or the federal Controlled Substances Act, 21 USC § 801 *et seq.*. This adoption shall include all amendments to the aforementioned section and Act, effective as of the date this ordinance is adopted, and all amendments thereafter made to the aforementioned section and Act. Amendments made to section 7104 of the Public Health Code or the federal Controlled Substances Act shall become effective on the same date they become effective in section 7104 of the Public Health Code and the federal Controlled Substances Act.

Section 3. Penalty. Any person who creates, causes, allows, suffers or permits the existence of a nuisance shall be responsible for a municipal civil infraction. Each day that such nuisance is permitted to exist shall constitute a separate infraction. The fine for each violation shall be not less than \$50.00 nor more than \$500.00, in the discretion of the Court, in addition to all other costs, damages and expenses provided by law.

Section 4. Abatement. 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, buying, disposal and treatment of refuse.

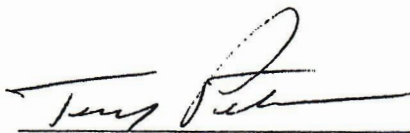
Section 5. Enforcement. The Supervisor is hereby authorized to enforce this ordinance, and he/she may delegate the enforcement to any administrative official or employee of the Township. The Township may seek abatement of a nuisance and such other relief as may be obtained by civil proceedings in court. This is in addition to and not in derogation of prosecutions for violations of this ordinance under Section 3 hereof.

Section 6. Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.


Section 7. Repealer Clause. All 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 8. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 9. Effective Date. To preserve the public health, welfare and safety, it is necessary that this emergency Ordinance become effective immediately upon publication. This Ordinance was adopted by the Sidney Township Board at its meeting held on 22nd day of March, 2010.



Terry Peterman, Township Supervisor



Wesley Thomsen, Township Clerk

Dated: MARCH 22, 2010