

**SIDNEY TOWNSHIP**  
**ORDINANCE NO. 12 - 2013**

**ORDINANCE AMENDING THE SIDNEY TOWNSHIP NUISANCE ABATEMENT  
ORDINANCE BY AMENDING SECTION 4, ABATEMENT AND  
SECTION 5, ENFORCEMENT**

**THE SIDNEY TOWNSHIP ORDAINS:**

Section 1. Amend Nuisance Abatement Ordinance, Section 4 entitled "Abatement" by adding (B) through (F). Section 4 (B) through (F) shall read as follows, with (A) to remain unchanged:

**Sec. 4 ABATEMENT; NOTICE; AUTHORITY; HEARING; COSTS; EMERGENCY**

- 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, buying, disposal and treatment of refuse.
- B. **Notice.** Whenever any public nuisance described in Sidney Township's Nuisance Abatement Ordinance shall exist upon Township property or upon the property of another municipal corporation within the boundaries of the Township, such public nuisance may be abated by the Township Supervisor or their agent without notice and cost of abatement charged as provided in section (E) below. Except as provided in the Michigan Vehicle Code (MCL 257.1 et seq.) for junk or abandoned motor vehicles, whenever any such public nuisance shall exist on private premises within the Township, the Township Supervisor or their agent shall give notice in writing by certified mail, return receipt requested, address 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 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 other otherwise remove the public nuisance within ten (10) days of the receipt of the notice. Following the issuance of such notice, the Township Supervisor or their agent may proceed to initiate proceedings permitted by law to abate the nuisance.
- C. **Authority.** 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, this intent, and estimated cost, and the advisement of the owner or occupant that a hearing may be requested within the ten (10) - day period pursuant to section (D) below shall be done. If no hearing is requested in the time allotted, or following a hearing held pursuant to section (D) below, such nuisance may then be repaired, torn down, abated, or otherwise removed by the Township Supervisor or their agent and the cost thereof charged as provided in section (E) below. 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 twelve (12) days before further action by the Township Supervisor.

- (D) **Hearing.** If, after notice provided in section (B) above 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 Supervisor to determine the applicability of the Nuisance Abatement Ordinance to the property in question. The Township Supervisor or their 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 the Nuisance Abatement Ordinance. If the Township Supervisor or their appointed hearing officer determines that the condition violates the provisions of the Nuisance Abatement 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 (5) days, and that if such abatement action is not taken, the Township, at the person's cost will abate the nuisance. If the public nuisance is not repaired, torn down, abated, or otherwise removed within the period allowed in the order, the Township Supervisor or their agent may repair, tear down, abate, or otherwise remove such public nuisance and charge the cost thereof as provided in section (E) below.
- (E) **Costs.** All expenses incurred by the Township Supervisor or their agent in repairing, tearing down, abating, or otherwise removing a public nuisance under this Nuisance Abatement Ordinance 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 for the Township. If such person fails to pay the charge within thirty (30) days after a statement therefor is mailed to him/her, 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 Township Treasurer shall have the right and power to add all unpaid amounts to the tax rolls of the lands on which the expenditures were made as a lien, and to levy and collect such unpaid amounts in the same manner as provided for the levy and collection of real property taxes against the lands on which the expenditures were made. In addition, the Township Treasurer may collect any overdue amounts from 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 for the Township in any other manner permitted by law, including the filing of a collection suit in a court of competent jurisdiction. Any amounts may bear interest at the rate set forth in the annual schedule of fees.
- (F) **Emergency.** The Township Supervisor may act to abate a public nuisance without giving notice as specified in section (B) above, if the public health, safety, or welfare requires immediate action. The cost of abating such nuisance shall be charged as specified in section (E) above.

Section 2. Amend Nuisance Abatement Ordinance, Section 5 entitled "Enforcement". Section

5 shall be amended to read as follows:

A. The Supervisor is hereby authorized to enforce this ordinance, and they 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 provided in section 4 above or 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 above.

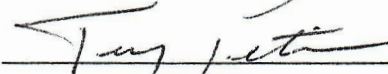
Section 3. Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 4. 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 5. 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 6. Effective Date. This Ordinance shall be effective 30 days after the first publication of the Ordinance.

This Ordinance was adopted by the Sidney Township Board at its meeting held on 2<sup>nd</sup> day of ~~November~~, 2013.  
DECEMBER



Terry Peterman, Township Supervisor



Wesley Thomsen, Township Clerk

Dated: 12-2-2013