

ORDINANCE NO. 2

Nuisance Ordinance

An ordinance to provide for the exercise of certain municipal powers of the Charter Township of Madison to promote the health, safety, and welfare of persons and property in the Township by defining and prohibiting public nuisances and to provide penalties for the violation of the provisions thereof.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Title

This ordinance shall be known as the Madison Charter Township Nuisance Ordinance.

Section 2. Definitions

Unless the context indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- 2.1. "Appliance" shall mean any mechanism which is operated by gas, electric current or motor, including, but not limited to, an ice box, refrigerator, or stove.
- 2.2. "Garbage" shall mean all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products, and shall include all such substances from all public and private establishments and from all residences.
- 2.3. "Person" shall mean and include persons, corporations, partnerships associations, joint stock companies, societies and all other entities of any kind capable of being sued.
- 2.4. "Regulated swimming pool" shall mean any swimming pool or spa, whether above-ground or wholly or partially in-ground, having a depth greater than two feet (2').
- 2.5. "Rubbish" shall mean dirt, leaves, grass trimming, tin cans, wastepaper, ashes, straw, shavings, junk and in general, non-putrescible wastes, normally incident to the lawful use of the premises on which accumulated.

Section 3. Nuisance Defined and Prohibited

Whatever injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway or

stream; or in any way renders the public insecure in life and property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by a provision by this ordinance. No person shall commit, create or maintaining any public nuisance.

Section 4. Littering and Accumulation of Garbage, Rubbish, and Other Material

No person shall place, deposit, throw, scatter or leave in any street, alley or public place, or on the private property of another, any refuse, waste, garbage, dead animal, rubbish, wash water or other noxious or unsightly material which interferes with the operation and use of motor vehicles in streets, alleys or public places. It shall be the duty of every owner and/or occupant of property to at all times maintain the premises, in a clean and orderly condition, permitting no deposit or accumulation of garbage or rubbish upon such premises, unless stored or accumulated as hereinafter provided. It shall be the duty of every owner and/or occupant of property to place any rubbish and/or garbage accumulated or stored outside of a dwelling or building of any premises in containers which shall be placed at the rear or side of buildings in a place which is reasonable inconspicuous and away from street and places occupied by other persons. Such containers, when used for the storage or accumulation of garbage or rubbish which is contaminated by garbage shall be constructed of nonabsorbent materials, shall be kept in a clean and sanitary condition and shall be covered. Such containers used for the accumulation and storage of rubbish shall be covered if there is a likelihood that rubbish will be carried therefrom by wind or other natural causes. Garbage and rubbish accumulated as aforesaid must be disposed of within a reasonable period of time in a manner not inconsistent with the provisions of this ordinance.

Section 5. Abandoned or Inoperable Appliances

It shall be the duty of the owner and/or occupant of every premises to keep dismantled, partially dismantled or inoperative appliances which shall be stored, placed or permitted to be stored or placed on premises owned or occupied by him, in a wholly enclosed garage or other wholly enclosed structure. Provided further, that the owner and/or occupant of every premises shall not leave in any place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an air tight door, or lock which may not be released or opened from the inside of said icebox or refrigerator or container unless the said lock or door has been removed therefrom.

Section 6. Swimming Pools

It shall be the duty of the owner and/or occupant of every premises to maintain any regulated swimming pool on the premise in accordance with all applicable building and construction codes. Further it shall be the duty of the owner and/or occupant of every premises to make safe any abandoned and unused regulated swimming pool by filling-in, dismantling or removing any regulated swimming pool.

Section 7. Cutting and Removing of Grass, Weeds and Other Poisonous or Harmful Vegetation

- 7.1. No person owning and/or occupying any premises within the Township shall fail to keep cut down any grass, ragweed, Canada thistles, burdocks, crabgrass, quack grass, wild-growing bushes, wild carrots, purple loosestrife, or other noxious weeds growing on property occupied or owned by him or growing on the portion of a street which adjoins property occupied or owned by the person.
- 7.2. It shall be the duty of the owner and/or occupant of any premises in the Township to cut, remove, or destroy by lawful means, all such weeds and grass as often as may be necessary to comply with the provisions of subsection (a) of this section. Any such weeds or grass which attain a height of eight (8) inches are hereby declared to be a public nuisance.
- 7.3. It shall be the duty of the owner and/or occupant of any premises in the Township to keep the premises free from accumulations of brush or other vegetation. Brush or other vegetation that is permitted to accumulated on the premises for a period is excess of three (3) months is hereby declared to be a public nuisance.
- 7.4. If the provisions of this section are not complied with the Township may:
 - a. Cause such weeds, grass or other vegetation to be cut, removed or destroyed or
 - b. Remove any accumulations of brush and other vegetation.
- 7.5. Notice of the provisions of this section shall be published in a newspaper circulating within the Township once each month during the months of May through September of each year, which notice is deemed and declared to be adequate and sufficient notice to all persons affected hereby and the notice provisions of Section 9 of this ordinance shall not apply.

Section 8. Duty of Owner, Lessee or Occupant

It shall be the duty of any owner and/or occupant of any land within the Township to abate any nuisance existing on property located within the Township under the owner's, and/or or occupant's control. This includes the removal of all forbidden items as set forth above and the cutting and removing by lawful means all such brush, weeds, grass or other poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this ordinance.

Section 9. Township to Do Work

Unless otherwise provided for in this ordinance, if any owner and/or occupant of any land within the Township, fails to comply with the provisions of this ordinance, the Township

Board shall, by its designated representative, serve either personally, or by certified or regular mail, written notice upon the owner and/or occupant or any person having the care or control of any such land to comply with the provisions of this ordinance. If the person upon whom the notice is served fails to abate the nuisance within seven (7) days after receipt of such notice, or if no owner can be found of such land, the Township Board shall cause the nuisance to be abated.

Section 10. Recovery of Costs by Township

- 10.1. If the Township incurs any costs in the process of abating any nuisance under this ordinance, the sum of one hundred sixty dollars (\$160) or the actual cost incurred by the Township in doing so, which ever is greater, together with a twenty-five dollar (\$25) administration fee, shall be charged against the owner and/or occupant of the premises where the nuisance existed.
- 10.2. The amount owed to the Township shall be collected in the manner specified in the in Ordinance ~~10~~, the Single Lot Special Assessment Ordinance of the Charter Township of Madison.

Section 11. Penalties and Remedies for Violations

- 11.1. Any person violating any provision of this ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed as set forth in Ordinance 29, the Charter Township Municipal Ordinance Violations Bureau Ordinance.
- 11.2. In addition to the foregoing, any violation of this ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

Section 12. Severability

If any court of law of equity within the State of Michigan determines that any provision within this ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same section and other sections of this ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Section 13. Repealer

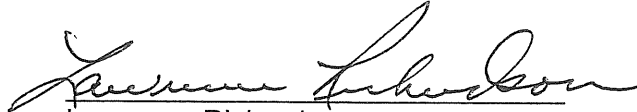
The Township's prior Nuisance and Junk Ordinance, Ordinance No. 2, which was adopted on July 30, 1979 and last amended on February 12, 2013, is repealed in its entirety and this ordinance shall hereafter be Ordinance No. 2.

Section 14. Effective Date

This ordinance shall become effective thirty (30) days after its adoption.

Yeas: Richardson, Harper, Bovee, Rodgers, Daniels, Roback &
Nays: None Liedel
Absent: None

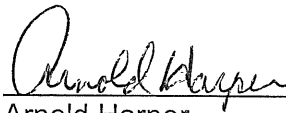
Ordinance declared adopted on July 8, 2014.



Lawrence Richardson
Supervisor for the
Charter Township of Madison

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Arnold Harper, the duly elected Clerk of the Charter Township of Madison certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Madison on July 8, 2014 and published in the Daily Telegram, a newspaper circulated in the Charter Township of Madison on July 16, 2014.



Arnold Harper
Township Clerk for the
Charter Township of Madison