

# HEALTH, SAFETY AND NUISANCE ORDINANCE

LENAWEE COUNTY, MICHIGAN

May 6, 2002

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## MEDINA TOWNSHIP HEALTH, SAFETY AND NUISANCE ORDINANCE

The Township of Medina, Lenawee County, Michigan, hereby ordains:

### Section 1: Nuisances

- 1.1 Nuisance defined and prohibited.** Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Ordinance. No person shall commit, create, or maintain any nuisance.

### Section 2: Dangerous structures

- 2.1 Dangerous structures.** No person shall maintain any structure which is unsafe or which is a menace to the health, morals, or safety of the public. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are for the purpose of the Section, unsafe buildings. All such unsafe buildings are hereby declared to be

public nuisances and shall be abated by alteration, repair, rehabilitation, demolition, Or removal.

- 2.2 Dangerous structures - notice and hearing.** The Board may, after notice to the owner and after holding a public hearing thereon, condemn such structure by giving notice to the owner of the land upon which such structure is located, specifying in what respects said structure is a public nuisance and requiring said owner to alter, repair, tear down or remove the same within such reasonable time, not exceeding sixty (60) days, as may be necessary to do or have done the work required by said notice. Said notice may also provide a reasonable time within which such work shall be commenced.
- 2.3 Dangerous structures - abatement.** If, after the expiration of any time limit in said notice, the owner has not complied with the requirements thereof, the Supervisor shall carry out the requirements of said notice. The cost of such abatement shall be charged against the premises and the owner thereof in accordance with Section 2.4
- 2.4** An account of labor, material, or service for which such expense or cost was incurred, with the description of the premises and the name of the owner, if known, shall be reported to the Supervisor, who shall immediately charge and bill the owner thereof, if known. The Supervisor shall annually direct the Township Treasurer to prepare a special assessment roll covering such charges which shall not have been paid. ' Such assessment rolls shall be reported to the Township Board in the same manner as other rolls.
- 2.5** Notice of hearing on the confirmation of the roll shall be given not less than ten (10) days before the hearing by first class mail addressed to the owner of party in interest of the land to be assessed as shown by the last local tax assessment records.

- 2.6** Upon confirmation of any special assessment roll authorized by Section 2.4, the said

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special assessments shall constitute a lien upon the premises and a charge against the owner thereof until paid. The Township Board may determine the number of installments in which assessments may be paid and the rate of interest to be charged on installments

### **Section 3: Littering**

- 3.1 Littering and accumulation of garbage, rubbish, and other material.** No person shall place, deposit, throw, scatter or leave in any road, street, alley or public place, or on the private property of another, any refuse, waste, garbage, dead animal, rubbish, liquid waste, solid waste, toxic waste, or other noxious or unsightly material, or material which interferes with the operation and use of motor vehicles in roads, streets, alleys, or public places. It shall be the duty of every occupant of property and the owner of unoccupied property at all times to maintain the premises occupied or owned by him in a clean and orderly condition permitting no deposit or accumulation of garbage.
- 3.2 Littering of streets.** No person shall place, deposit, throw, scatter or leave in any road or public place, or on the private property of another, any refuse, waste, garbage, or other noxious or unsightly material. No person shall convey or transport junk, broken glass, scrap metal, metal shavings, or scrap metal in other form over the public roads of the Township unless the same shall be contained in a closed container, box, or other receptacle, which is so constructed that it is impossible for any such junk, glass, or metal to fall through such receptacle, or off of over the sides of the same, onto the public roads of the Township.
- 3.3 Bill posting in streets.** No person shall attach, place, paint, write, stamp or paste any sign, advertisement, or any other matter upon any lamp post, electric light, or telephone pole, tree, or on anything within any park or public building. Posting any notice required or permitted by law shall be excepted from the provisions of

this Section.

- 3.4 Bill posting - private places.** No person shall attach, place, paint, write, stamp, or paste any sign, advertisement of other matter upon any house, wall, fence, gate, post, or tree, without first having obtained the written permission of the owner, or occupants of the premises and having complied with all provisions of this ordinance pertaining thereto.

#### **Section 4: Noxious substance**

- 4.1** No person shall create, establish, cause, maintain, or permit the continued existence of, or permit the creation, establishment, causation or maintenance, on property owned or controlled by him, of any noxious, obnoxious, offensive, or nauseous odor or smell, which disturbs the public peace and quiet or which endangers the public health, safety or welfare.
- 4.2** Any person who owns or is in control of any material or substance, whether solid, liquid, or gas, which he knows, or has reasonable cause to believe, to have a noxious, obnoxious, offensive or nauseous odor or smell, shall not intentionally cause or permit such material or substance to disturb the public peace and quiet or to endanger the public health, safety or welfare.

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- 4.3** A separate offense shall be deemed committed under Section 4.1 and 4.2 above upon each day during or when a violation occurs or continues.
- 4.4** The Michigan Right to Farm Act, MCL §286.471 et. seq. shall control and supercede Section 4 of this Ordinance. MCL §268.473 "Circumstances under which farms or farm operation are not public or private nuisances" shall override all of the provisions of §4.1, §4.2, and §4.3 of this ordinance.

#### **Section 5: Grass and noxious weeds**

- 5.1** Cutting of grass and weeds. No person occupying any premises and no person owning any unoccupied premises shall fail to keep cut down any ragweed, Canada thistles,

burdocks, wild growing bushes, or other noxious weeds growing on property occupied by or owned by him or growing on that portion of a road which adjoins property occupied by or owned by him.

- 5.2 Duty of occupant or owner. It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the Township to cut and remove or destroy by lawful means all such weeds and grass as often as may be necessary to comply with the provisions of Section 5.1. Any such weeds or grass which attain a height of 12 inches and hereby declared to be a public nuisance.
- 5.3 When township to do work. If the provisions of Section 5.1 and 5.2 are not complied with and if any weeds, grass, or other vegetation described in Section 5.2 are permitted to attain a height of 12 inches on any property described therein, the Supervisor may cause such weeds, grass, or other vegetation to be removed or destroyed and the actual cost of such cutting, removal, or destruction, plus Ten Dollars (\$10.00) or fifteen percent (15), whichever is greater for inspection, scheduling, administration, billing, and other costs in connection therewith shall be collected as a Special Assessment against premises as provided in Section 2.4 of this Ordinance. Notice of the provisions hereof shall be published in a newspaper circulating with the Township once in May and once in September of each year, which notice is deemed and declared to be adequate and sufficient notice to all persons affected hereby.

#### Section 6: Disorderly conduct

- 6.1 Definitions. The term "public place" as used in this chapter shall mean any road, alley, park, public building, any place of business or assembly open to or frequented by the public and any other place which is open to the public view, or to which the public has access.
- 6.2 Acts prohibited. No person shall:
- (a) Disturb the public peace and quiet by loud, boisterous, or vulgar conduct;
  - (b) Permit or suffer any place occupied or controlled by him to be a resort of noisy,

- boisterous, or disorderly persons;
- (c) Willfully enter upon the lands of premises of another without lawful authority after having been forbidden so to do by the owner or occupant thereof or the agent or servant of either; or remain upon the land or premises of another without lawful

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- authority after being notified to depart therefrom by the owner or occupant thereof or the agent or servant of either;
- (d) Willfully enter upon the lands or premises of any person in the nighttime, without authority or permission of the owner of such premises.
- (e) Drive or operate any motor vehicle, including, but not limited to automobiles, motorcycles, motorized bicycles, snowmobiles, motor scooters, trail bikes, trucks, or tractors on property owned by another person, persons, corporation, school, college, or unit of government, in areas on said property not specifically designated for use as roadways, driveways, or parking lots, without first having obtained permission of the owner or occupant thereof or the authorized servant or agent of either;
- (f) Drive or operate any motor vehicle as prohibited in subsection (e) in a careless or negligent manner likely to endanger any person or property, including, but not limited to, animals, fences, shrubbery, trees, flowers, garden crops, lawns, or any interior portions on any structures of any nature.
- (g) Any person who violates any of the sub-parts of this section (a) through (f) shall be guilty of a violation of this Ordinance and may be punished pursuant to Section 16.4 below.

6.3 **Disrupting a public meeting.** Any person who disrupts any public meeting field by the Township, the Township Board, the Board of Appeals, the Board of Review, the Zoning or Planning Commission, the Fire Board, or any board or commission organized or authorized by the Township by failing to follow the rules of order and procedure established by the chairman of the meeting, or by loud, boisterous, or unruly behavior, shall be guilty of violation of this ordinance and may be punished pursuant to Section 16.4 below.

6.4 **Noise.** Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:

- (a) Animal and bird noises. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of anyone person.
- (b) Construction noises. The erection (including excavating therefore) demolition, alteration, - or repair of any building, and the excavation of streets and highways, except between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, unless a permit be first obtained from the Medina Township Supervisor.
- (c) Sound amplifiers. The use of any loud speaker, amplifier, or other instrument or device capable of producing sound which is cast upon a public street, whether stationary or mounted on a vehicle, except that the Medina Township Trustees may grant a license or licenses upon terms and conditions therein set forth to educational, civic, or religious organizations for educational, civic, or religious purposes only, and not for any commercial purpose or promotional activity related to any commercial purpose.

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- (d) Engine exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through muffler or other device which effectively prevents loud or explosive noises there from.
- (e) Handling merchandise. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (f) Hawking. The hawking of goods, merchandise, or newspapers in a loud and boisterous manner.
- (g) Horns and signal devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is

intended; the creation by means of any such signal device of any reasonably loud or harsh sound; and the sounding of such device of any unnecessary and unreasonable period of time.

- (h) Radio and musical instruments. The playing of any radio, television set, phonograph, or any musical instrument in such a manner or with such-h volume, particularly during the hours between 11 :00 p.m. and 7:00 a.m., or any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or any persons in the vicinity.

(i)

Shouting and whistling. Yelling, shouting, hooting, whistling, or singing, or the making of any other loud noise on the public street between the hours of 11 :00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quite, comfort, or repose of persons in any school, place of worship, office, or in any dwelling, hotel or other type of residence, or any persons in the vicinity.

- (j) Whistle or siren. The blowing of any whistle or siren, except to notice of the time to begin or stop work, or as a warning of fire or danger.

- (k) Refuse collection. The collection of refuse except between the hours of 7 :00 a.m. and 11 :00 p.m.

(l)

Electronically-amplified sound system. No person operating or in control of a parked or moving motor vehicle (including motorcycles and mopeds) shall operate or permit the operation of an electronically-amplified sound system in or about the vehicle so as to produce sound that is clearly audible at a distance of fifty (50) feet from the vehicle between the hours of 7:00 a.m. and 11:00 p.m., or clearly audible at a distance of twenty-



five (25) feet from the vehicle between the hours of 11 :00 p.m. and 7 :00 a.m.

6.5 Exceptions. None of the terms or prohibitions in Section 6.4 shall apply to or be enforced against:

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- (a) Emergency vehicles. Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (b) Highway maintenance and construction. Excavations or repairs of bridges, streets or highways by or on behalf of Medina Township, Lenawee County, or the State of Michigan, during the night when the public safety, welfare, and convenience renders it impossible to perform such work during the day.
- (c) The Michigan Right to Farm Act, MCL §286.471 et seq. shall control and supersede Section 6.4 of this Ordinance if it is conflict within.

## **Section 7: Foul and offensive premises**

**7.1** It is declared a nuisance, punishable as a municipal civil infraction, for any person to occupy or use any land or premises in such a manner as to be offensive to the public health or violative of reasonable standards of cleanliness or neatness. This provision specifically includes, but is not limited to, those premises upon which there are more than four (4) licensed and operable un-garaged vehicles, junked or abandoned automobiles, junked or abandoned equipment of any sort, shanties, outbuildings, fences in disrepair, litter and trash of any sort; and to those premises upon which are placed discharged organic wastes, or any other wastes, trash, or disposables which, in the reasonable course of farm and residential occupancy, would not otherwise be placed thereon.

**7.2 Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this Section shall be as follows:

- (a) "Garbage" shall mean all putrescible 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;

- (b) "Rubbish" shall mean dirt, leaves, grass trimmings, tin cans, wastepaper, ashes, straw, shavings, inoperable appliances, junk, and in general, non-putrescible wastes normally incident to the lawful use of the premises on which accumulated.
- (c) "Refuse" shall mean rubbish, garbage, or any combination thereof as defined above;
- (d) Vehicles are defined as any vehicles which are self-propelled or intended to be self-propelled, including cars, trucks, tractors, boats, rafts, snowmobiles, recreational vehicles and the like, and semitrailers, whether or not they are hooked to a semi tractor, and mobile homes and house trailers, campers, truck boxes and camper trailers.
- (e) Inoperable vehicles are defined as vehicles which by reason of dismantling, lack of repair, or other cause are incapable of being propelled under their own power or vehicles which are not being used for the purpose for which they are manufactured.

- {f) Dismantled or partially dismantled motor vehicles are defined as motor vehicles from which some part or parts which are ordinarily a component of such motor vehicle has been removed or is missing.

**7.3** It shall be the duty of every occupant of property and of the owner of unoccupied property at all times to maintain the premises occupied or owned by him, in a clean and orderly condition permitting no deposit or accumulation of garbage or rubbish or refuse upon such premises, unless stored or accumulated as permitted by this Ordinance.

**Section 8: Storage of dismantled, partially dismantled, or inoperable vehicles or parts thereof, and vehicle parking.**

**8.1** It shall be unlawful for any person to store, place, or maintain a dismantled, partially dismantled, or inoperable vehicle or any parts of a vehicle, or any other junk as

defined  
in Section 8.2(d) on any parcel of land in the Township, platted or unplatted, or  
any  
street or road adjacent thereto, unless either said vehicle or parts thereof, or junk  
shall be  
kept in a wholly enclosed structure, or unless the owner or occupant of the said  
parcel of  
land is licensed as a secondhand dealer or junk dealer pursuant to the provision of  
this  
ordinance; provided, that any bona fide owner or occupant of any parcel of land  
may  
store on the said parcel one such vehicle for a period of not to exceed 48 hours in  
all if  
such vehicle is registered in his name.

**8.2 Definitions.** Unless the context specifically indicates otherwise, the meaning of  
terms  
used in this Section shall be as follows:

(a)

See

7.2(d)

.

(b)

See

7.2(e)

.

(c)

See

7.2(f)

(d) For the purpose of this ordinance, the term junk shall mean any motor  
vehicles,  
machinery, appliances, product, merchandise with parts missing, or scrap  
metals,  
or other scrap materials that are damaged, deteriorated, or are in a condition  
whereby they cannot be used for the purpose for which the product was  
manufactured, and the outside storage or maintaining of such items is adjudged  
to  
be a nuisance per se, except in an agricultural zone every operation shall have  
the  
right to maintain one scrap area of 625 square feet for storage of old iron,  
metal,  
parts and the like needed in farm operations, provided this area is at least 100  
feet

back from all property lines and any public road or street.

- 8.3 Construction.** This Section shall not be deemed to be in conflict with other provisions of this ordinance or any other ordinance of the Township relating to rubbish, litter, garbage, refuse, trash, or junk, but shall be construed as supplementary to such provisions as well as any statues of the State of Michigan relating thereto.
- 8.4 Nuisance.** The presence of a dismantled, partially dismantled, or inoperable vehicle, or parts of a vehicle, on any parcel of land in violation of the terms of this section is hereby declared to be a nuisance per se.

(3)

**8.5 Vehicle parking.** It shall be unlawful and a violation of this ordinance to park (except in agricultural or industrial zones) for a continuous period exceeding one month: trucks, semitrucks, semitrailers, semi tractors; and buses.

**8.6 Separate violation.** Each day that a dismantled, partially dismantled, or inoperable vehicle, or parts thereof, shall be stored or permitted to be stored contrary to the provisions of this section shall constitute a separate violation.

### **Section 9: Abandoned refrigerators**

**9.1** It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned unattended or discarded icebox, refrigerator, or any other container of any kind, which has an air-tight snap-lock or other device thereon without first removing the said snap-lock or doors from said icebox, refrigerator, or container.

### **Section 10: Junk dealers**

**10.1** Any person whose principal business is that of purchasing, selling, exchanging, storing, or receiving secondhand articles of any kind, including used cars, trucks, tractors, farm implement and vehicle parts, cast iron, old iron or steel, tool steel, aluminum, copper, brass, lead pipe or tools, lighting and plumbing fixtures, is hereby defined to be a secondhand dealer or junk dealer.

**10.2 License required.** No person shall engage in the business of secondhand dealer or junk dealer without first obtaining a license therefore. No such license shall be granted until the Township Board shall find that the proposed business will not tend to create a hazard to the public health, or tend to depreciate property in the area unduly, or retard the natural development of the area, or be a violation of any provision of this Ordinance, or State Statutes or Codes, or the Township Zoning Ordinance.

**10.3 Provisions of state law.** Licenses under this section shall be issued by the Township

Board for a period of one (1) year from the date of issuance unless sooner revoked for cause.

**Section 11: Excavations or holes**

**11.1** The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute, or are reasonably likely to constitute, a danger or menace to the public health, safety, or welfare, are prohibited; provided this section shall not prevent any excavation under a permit issued, pursuant to this ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector; and provided further, that this section shall not apply to streams, natural bodies of water, or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

**Section 12: Outdoor advertising signs**

**12.1** Outdoor advertising signs (billboards) shall be permitted under the following conditions:

- (a) Outdoor advertising signs (billboards) are permitted only in the industrial and agricultural districts.
- (b) Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated.
- (c) Where two (2) or more outdoor advertising signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double-faced (back-to-back) or a V-type structure shall be considered a single sign.
- (d) The total surface area, facing in the same direction of any outdoor advertising sign shall not exceed two hundred (200) square feet.
- (e) No outdoor advertising sign be erected on the roof of any building, nor have one sign above another sign.
- (f) Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- (g) Outdoor advertising signs shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that a use will not change the essential character of the same area.
- (h) Outdoor name or identification signs are exempt from the provisions of this section provided that all such signs, shall be flush with the building wall.

12.2 Business signs. Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each road/street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of sixteen (16) feet other than necessary supports, and not

exceeding  
twenty-five (25) square feet in area for each going business such as service  
station,  
garage, restaurant, retail store, machinery sales, and the like.

12.3 Elimination of nonconforming signs. All signs and billboards erected after the  
effective date of this Ordinance, or it is applicable predecessor, shall conform to  
the  
regulations as set forth in this Ordinance and its amendments. Any existing sign  
or  
billboard not conforming shall be deemed a nonconforming use, and shall either  
be made  
to conform, or shall be removed by the owner within ninety (90) days from the  
effective  
date of this Ordinance. If the owner of said sign fails to remove such  
nonconforming  
sign or billboard it shall be deemed a violation and the property owner shall be  
charged  
with a violation and subject to the provisions of this Ordinance.

### Section 13: Violation of state restrictions

13.1 Any violation of any provisions or requirements of:

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- (a) Department of Natural Resources permit, license, or authorization  
concerning  
but not limited to solid or liquid waste disposal, application of sludge for  
disposal  
of same, disposal of waste water or other liquids, or other such activity
- (b) Any state agency, regulatory body, or authority including, but not limited  
to State Fire Marshall, State Electrical, Plumbing, or Building Inspector,  
State Department  
of Agriculture, State Department of Commerce, or the like.
- (c) Any violation of State Statute including but not limited to, Subdivision  
Control  
Act, Soil Erosion and Sedimentation Act, Water and Sewer Act, Inland  
Lakes and  
Streams Act, Safe Drinking Water Act, Water Pollution Control Act, State  
Environmental Health Code, and other such acts to protect the health and  
safety of  
the community; shall be responsible for a Municipal Civil Infraction  
punishable by  
the terms of Section 16.4; and, further shall be considered a nuisance per  
se. The  
Township reserves the right to inspect, police, and enforce all such  
regulations and  
the Township shall have the authority to abate such violations as a nuisance



pursuant to this Ordinance or in the Circuit Court.

#### **Section 14: Notices of disposal**

**14.1** Any person, company, corporation, municipality, or other organization that intends to deliver into and dispose, dump, deposit or spread any solid, liquid waste, or sludge in the township, pursuant to State or Township license, permit, or otherwise, shall notify the Township Supervisor at least twenty-four (24) hours in advance of any such delivery so that inspection personnel can be present to monitor such activity. Nothing contained herein shall prevent a farmer in an agricultural zone from spreading manure.

#### **Section 15: Gun and shooting ranges**

**15.1** No person shall sponsor or maintain a shooting range or target range for the firing or shooting of rifles, shotguns, pistols, or other firearms or fireworks without first obtaining a license therefore. No such license shall be granted until the Township Board shall find that the proposed shooting range will not tend to create a hazard to the public safety, or a bother to neighboring residents, or tend to depreciate property in the area, unduly, or retard the natural developments of the area, or be a violation of any provision of this Ordinance or State Statutes or Codes.

#### **Section 16: Interpretation**

**16.1** In the interpretation and application, provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision issued, or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

Nothing in this Ordinance shall be interpreted or constructed to give rise to any permanent vested rights in the continuation of any particular use or activities therein and they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public

health,  
safety, and welfare.

16.2 Conflicting regulations. Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

16.3 Severability. This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentences, or clauses be declared invalid.

16.4 Violation and Sanctions. Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, as defined by the Michigan law, and subject to a civil fine determined in accordance with the following schedule:

First violation within a 3-year period\*

Second violation within a 3-year period\*

Third violation within a 3-year period\*

Fourth or subsequent violation within a 3-year period\*

\* determined on the basis of the date of violation(s)

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation. In no case, however, shall costs ordered be less than Nine Dollars (\$9.00) or more than Five Hundred Dollars (\$500) per violation; nor shall this provision limit the Circuit Court pursuant to MCL § 125.294. 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.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land, dwellings, buildings, or structures, including tents, trailers, coaches, and mobile homes used, erected, altered, razed, or converted in violation of any provision of this Ordinance, are hereby declared to be a

Maximum

Minimum

\$500

\$500

\$500

\$500

\$10

\$125

\$250

\$400

nuisance per se.

16.5 Nuisance abatement. The Court may order such nuisance abatement and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer, coach, mobile

home, or land, may be adjudged guilty of maintaining a nuisance per se, and the same

may be abated by order of any court of competent jurisdiction. The Township Board

shall have the authority to abate same by application to the Circuit Court pursuant to

MCL §125.294 or the Township may proceed administratively as follows:

(a) The Township Board may schedule a public hearing to consider abatement of an alleged nuisance.

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(b) The owner or occupant of the premises where the nuisance is maintained shall be

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mailed a notice of the hearing by certified mail sent at least fifteen (15) days

before the hearing to the address provided for receiving tax bills and to address of

the premises in question. The notice shall describe the alleged nuisance and set

forth the time and place for the public hearing.

(d) After the public hearing and after considering any objections the Township Board

may order the nuisance to be abated by repair, alternation, or removal within a

reasonable time not to exceed forty-five (45) days from the date of hearing and the

abatement order shall be mailed as set out in (b) above.

(e) If the abatement order has not been followed within the time

allotted, then the Township Board shall cause its agents to enter the property and carry out the terms of the order of abatement. All actual costs of the abatement shall be charged against the owner of the premises as a special assessment as follows:

(i) The Township Board shall schedule a public hearing to consider and

determine the total costs expended for the nuisance abatement.

(ii) The owner and occupant of the premises shall be mailed a notice of the hearing pursuant to the requirements of (b) above.

(iii) After the public hearing and after considering any objections the Township

Board, by resolution, shall set the actual cost of the abatement and determine

to defray the whole or any part of that cost as a special assessment against

the premises where the abatement was performed. The cost shall be billed

and mailed pursuant to the requirements of (b) above by the Township

Treasurer; and, if the bill is not paid within sixty (60) days of mailing, the

bill shall be treated as a special assessment against the premises where the

abatement occurred and placed upon the special assessment roll for

collection and said assessment shall constitute a lien upon the premises and a

charge against the owner until paid, plus interest and penalties normally

allowed for special assessments.

(iv) In addition to the above, all notice requirements contained in MCL§211.745, as amended, shall be followed.

**16.6 Rights and remedies.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**16.7 General responsibility.** The Township Board or its duly authorized representative is charged with the duty of enforcing the Ordinance and said Board is hereby empowered, in the name of said Township to commence and pursue any and all

necessary and appropriate actions or proceedings in the Circuit Court of Lenawee County, Michigan, or any other court having jurisdiction, to restrain and/or prevent noncompliance with, or violation, of any of the provisions of this Ordinance, and to correct, remedy and/or abate such noncompliance or violation. It is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

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The foregoing Health Safety and Nuisance Ordinance adopted at a regular meeting of the Medina Township Board, held at the Medina Township Hall in said Township on the 6<sup>th</sup> day of May, 2002. Said Ordinance was ordered published in The Daily Telegram, Adrian, Michigan, a newspaper having general circulation in Lenawee County, Michigan, pursuant to the requirements of Act 191 of the Public Acts of Michigan for the year 1939, as amended.

This Ordinance shall become effective thirty (30) days after the date of such publication.

Adopted by a unanimous vote YES-±- NO~ of the Township Board this 6<sup>th</sup> Day of May, 2002

Ronald Merillat, Township Clerk  
Charles Schaffner, Township Supervisor, attested

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