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## **PART 7 - NUISANCES**

### **Article 1: General Provisions**

#### **Section 7.1.01: Public Nuisance Defined and Prohibited**

Whatever annoys, injures or endangers the safety, health, welfare, comfort or repose of the public; offends public decency or aesthetic sensibilities; 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 public nuisance.

#### **Section 7.1.02: Nuisances Per Se**

The following acts, apparatus, accumulations and activities are hereby declared to be public nuisances:

- A. No person shall maintain or permit to remain on premises owned or occupied by him; or throw, place or leave; or permit the throwing, placing or leaving on the premises of another, including any roadway, any of the following substances: organic refuse, food wastes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor covering, wallpaper, waste paper, newspapers or magazines, discarded appliances, rubbish, excrement, rot, construction debris, including but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding; yard debris or rubbish, including but not limited to, industrial waste, unclean or nauseous fluids or gases, in any of the following locations:
- (1) Any public street, highway, lane, road, alley, public place, square, sidewalk or any lands within the boundaries of Portland Township owned by Portland Township, County of Ionia, State of Michigan or other municipal corporation.
  - (2) Any river, lake, stream or other body of water.
  - (3) Any private place or premises where in the opinion of the Township or its agent the specified substances constitute a dangerous condition; or are detrimental to the public health, safety or welfare; or offend aesthetic sensibilities; or may cause sickness; or attract flies, insects, rodents or vermin.

- B. The emission of noxious fumes or gas, smoke, ashes or soot in such quantities as to render occupancy of property dangerous or uncomfortable to a person of ordinary sensibilities.
- C. The keeping of explosives, flammable liquids or other dangerous substances stored in any manner or in any amount contrary to the provisions of any statute or applicable administrative regulation of the State of Michigan.
- D. All dangerous, unguarded excavations or dangerous, unguarded machinery in any public place, or so situated, left or operated on private property as to attract the public.
- E. The owning, driving or moving upon the public streets and alleys of a truck or other motor vehicle which is constructed or loaded so as to permit any part of its load or contents to be deposited upon any street, alley, sidewalk or other public or private place, or which deposits from its wheels, tires, or other parts unto the street, alley, sidewalk or other public or private place, dirt, grease, sticky substances or foreign matter of any kind. Provided, however, that under circumstances determined by the Township or its agent to be in the public interest, the Township may grant persons temporary exemption from the provisions of this subsection conditioned upon cleaning and correcting the violating condition as specified by the Township or its agent and execution of an agreement by such person to reimburse the Township for any extraordinary maintenance expenses incurred by the Township in connection with such violation.
- F. The keeping of bees unless permitted by the zoning ordinance and the Michigan Right to Farm Act, 1981 PA 93, when such keeping results in the disturbance of the safety, comfort and repose of one or more persons, or shall render one or more persons insecure in the use of his or her property.
- G. The keeping of horses or livestock unless permitted by the zoning ordinance and the Michigan Right to Farm Act, 1981 PA 93 or the failure to keep horses or livestock within sufficient fences, barricades or restraints to keep such animals from entering the public way or the property of another.
- H. The keeping, either inside or outside of any building, structure, or dwelling, in a place accessible to children, any abandoned, unattended, unused or discarded icebox, refrigerator or any air tight container of any kind which has a snap latch or other locking device thereon, without first removing the snap latch or other locking device, or the doors, from such icebox, refrigerator or other such air tight container.
- I. Abandoning, leaving, keeping or maintaining a junk or abandoned motor vehicle, as provided in Article 2 of this Part.

### **Section 7.1.03: Abatement; notice, authority of officers**

Whenever any public nuisance described in Section 7.1.01 or 7.1.02 shall exist upon Township property or upon the property of another municipal corporation within the boundaries of the Township, said public nuisance may be abated by the Township or its agent without notice and the cost of abatement charged as provided in Section 7.1.05 of this Article. Except as provided in Article 2 of this Part for junk or abandoned motor vehicles, whenever any such public nuisance shall exist on private premises within the Township, the Township or its agent shall give notice in writing by certified mail with return receipt requested, and addressed to the owner or occupant of the property where the public nuisance exists or to the person(s) otherwise responsible for said public nuisance. Said 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 otherwise remove the public nuisance within 10 days of the receipt of the notice. Following the issuance of said notice, the Township or its agent may proceed to initiate civil or criminal proceedings permitted by law to abate the nuisance.

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, the Township shall advise the owner or occupant that a hearing may be requested within the 10 day period pursuant to Section 7.1.04 of this Article. If no hearing is requested in the time allotted or following a hearing held pursuant to Section 7.1.04 of this Article, said nuisance may then be repaired, torn down, abated or otherwise removed by the Township or its agent and the cost thereof charged as provided in Section 7.1.05 of this Article. If the actual owner or occupant of the premises is unknown or cannot be located, notice may be given by posting a copy of said notice upon a conspicuous part of the property where the public nuisance is located and by mailing a copy of said notice by certified mail with return receipt requested, and addressed to the owner or party in interest at the address shown on the Township tax records, at least 10 days before further action by the Township or its agent.

### **Section 7.1.04: Hearing**

If, after notice provided under Section 7.1.03 of this Article the recipient of said notice requests a hearing as therein provided, a hearing shall be held before a hearing officer appointed by the Township to determine the applicability of this Part to the property in question. The 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 this Article. If the appointed hearing officer determines that the condition violates the provisions of this Article, he 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. If the public nuisance is not repaired, torn down,

abated or otherwise removed within the period allowed by the order, the Township or its agent may repair, tear down, abate or otherwise remove said public nuisance and charge the cost thereof as provided in Section 7.1.05 of this Part.

**Section 7.1.05: Public Nuisances; Emergency Abatement; Costs**

The Township or its agent may act to abate a public nuisance without giving notice as specified in Section 7.1.03, if the public health, safety or welfare requires immediate action. The cost of abating such nuisance shall be charged as specified in Section 7.1.06.

**Section 7.1.06: Abatement; Costs**

All expenses incurred by the Township or its agent in repairing, tearing down, abating or otherwise removing a public nuisance under this Part 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 of the Township. If said person fails to pay said charge within 30 days after a statement therefor is mailed to him, 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 amount thereof assessed against the lands on which said expenditures were made on the next general assessment roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense, said lien to be enforced in the manner prescribed by the general laws of the State providing for the enforcement of tax liens.

**Section 7.1.07: Penalties**

Violations of the provisions of this Part shall constitute a municipal civil infraction. Any person who is found responsible or admits responsibility for a municipal civil infraction shall be subject to a civil fine and costs. The civil fines are set forth in Part 8 of this Code of Ordinances unless otherwise specified. Further, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, including attorney fees, to which the plaintiff has been put in connection with the municipal civil infraction, up to the entry of judgment. However, in no case shall costs of more than \$500.00 be ordered. Each violation shall be considered a separate offense.

## **Article 2: Junk or Abandoned Motor Vehicles, Trailer Coaches and Watercraft**

### **Section 7.2.01: Definitions**

A motor vehicle is hereby defined as any wheeled vehicle which is self-propelled or intended to be self-propelled. Trailer coach is hereby defined as every vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and drawn by another vehicle. Watercraft is hereby defined as any contrivance used or capable of being used for navigation upon water, whether or not capable of self-propulsion, including foreign and domestic vessels, passenger or other cargo-carrying vessels, and privately owned recreational watercraft. Junk or abandoned motor vehicles, trailer coaches and watercrafts for purposes of this section, shall include:

- (1) any motor vehicle, trailer coach or watercraft which has remained on the premises of another for a period of 48 continuous hours, or more, without the consent of the owner or occupant of the property or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked; or
- (2) any motor vehicle or portion thereof which, for a period of 30 consecutive days or more does not have an engine in running condition, four inflated tires, and a battery; or
- (3) any motor vehicle, trailer coach or watercraft which, for a period of 72 hours or more does not have attached current license plates or current registration; or
- (4) any motor vehicle, trailer coach or watercraft which is in fact abandoned by its owner; or
- (5) any motor vehicle, trailer coach or watercraft which is for any reason not operable and not repairable.

### **Section 7.2.02: Abandonment Prohibited**

No person shall abandon a motor vehicle, trailer coach or watercraft or part thereof on the premises of another.

### **Section 7.2.03: Storage Prohibited**

No person shall store, maintain, keep, leave, or authorize the storage, maintenance, keeping or leaving of any abandoned or junk motor vehicle, trailer coach or watercraft or part thereof on any private property under his ownership, tenancy or control.

### **Section 7.2.04: Exceptions**

The following motor vehicles, trailer coach or watercraft shall not be deemed junk or abandoned vehicles or watercraft for purposes of this section: vehicles, trailer coaches or watercraft stored within a fully enclosed building, vehicles, trailer coaches or watercraft kept as stock in trade by a regularly licensed dealer in motor vehicles, trailer coaches or watercraft, or vehicles, trailer coaches or watercraft stored by a licensed junk dealer. The Township or its agent may, upon written application, exempt from this section for any reasonable period of time any historic or classic vehicle, trailer coaches or watercraft, any vehicle, trailer coaches or watercraft in a process of restoration or repair, or any vehicle, trailer coach or watercraft which, by reason of special circumstances, is deemed by the Township or its agent not to be a junk or abandoned vehicle, trailer coach or watercraft.

#### **Section 7.2.05: Abatement**

The Township or its agent may remove any junk or abandoned motor vehicle, trailer coach or watercraft or part thereof from the property of the Township or other municipal corporation within the boundaries of the Township without notice and may dispose of said vehicle, trailer coach or watercraft in the Township dump or otherwise dispose of said vehicle, trailer coach or watercraft. The Township or his agent may remove or cause to be removed any junk or abandoned motor vehicle, trailer coach or watercraft or part thereof from any unenclosed private property after having notified the vehicle, trailer coach or watercraft owner and/or lienholder, if known, and the property owner or occupant of such property in writing of his intention to do so at least 48 hours prior to such removal. If the vehicle, trailer coach or watercraft owner and/or lienholder cannot be determined, a copy of said notice shall be placed upon the vehicle, trailer coach or watercraft at least 48 hours prior to removal. The Township or its agent may dispose of said vehicle, trailer coach or watercraft at the Township dump or may otherwise dispose of said vehicle, trailer coach or watercraft. The cost of hauling away and disposing of a junk or abandoned motor vehicle, trailer coach or watercraft may be charged as provided in Section 7.1.06 of this Part. The removal of a junk or abandoned motor vehicle, trailer coach or watercraft by the Township or its agent shall not excuse or relieve any person of the obligations imposed by Sections 7.2.02 or 7.2.03 of this Article nor from the penalties for violation thereof imposed by Section 7.1.07.

## Article 3: Noise

### Section 7.3.01: Unlawful Noise Prohibited

It shall be unlawful, and it shall be deemed a public nuisance, for any person to unreasonably make, continue or cause to be made or continued any noise that annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities, or that injures or endangers the health, peace or safety of the public within the Township.

### Section 7.3.02: Enumerated Unlawful Noises

The following acts, among others, are declared to be unlawful noises in violation of this Article, and are deemed to be public nuisances per se, but this enumeration shall not be deemed to be exclusive, namely:

- (1) **Radios, phonographs and musical instruments.** Operating, playing or permitting the operating or playing of any radio, phonograph, television set, amplified or unamplified musical instrument, drum, loudspeaker, tape recorder or other sound-producing device, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, hotel, hospital or residence. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible on real property or in a dwelling unit other than that from which the noise originates or emanates shall be prima facie evidence of a violation of this section.
- (2) **Shouting and whistling.** Yelling, shouting, hooting, whistling, singing or making any other loud noises on the public streets, sidewalks, bike pathways or other streets or paths located within the Township, between the hours of 11:00 p.m. and 7:00 a.m. the following day, or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, hotel, hospital or residence.
- (3) **Construction.** Operating or permitting the operation of any tools or equipment used in construction, excavation, demolition, alteration or repair of any building, street or highway, between the hours of 9:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom is plainly audible in any dwelling, hotel, hospital, office or residence, or on any residential property other than the property from which the noise emanates or originates, unless a variance therefor is first obtained from the Township or his agent in accordance with Section 7.3.05 of this Article.
- (4) **Engines.** Operating or permitting the operation of any steam engine or internal combustion engine, whether stationary or mobile, so as to annoy or disturb the

quiet, comfort or repose of a person of normal sensitivities in any office, dwelling, hotel, hospital or residence. This subsection shall not prohibit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snowblower or similar device used outdoors in residential areas between the hours of 7:00 a.m. and 9:00 p.m. the same day, nor shall it prohibit the operation of a state-licensed motor vehicle in a manner expressly permitted by state law.

**Section 7.3.03: “Person” Defined**

In addition to its normal meaning, the term "person" as used in this section means a person who causes or makes an unlawful noise; or a person who is in control of the property or premises from which an unlawful noise originates or emanates; or a person who owns the property or premises from which an unlawful noise originates or emanates.

**Section 7.3.04: Exceptions**

The provisions of this section shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

**Section 7.3.05: Variance**

The Township or its agent may grant an applicant a variance of this section to permit construction noises during hours otherwise prohibited hereunder, after notice and hearing, upon a showing that compliance with this section would constitute an unreasonable hardship on the applicant, on the community or on other persons.

## **Article 4: Dangerous Buildings**

### **Section 7.4.01: Unlawful Conduct**

It is unlawful for any owner, agent or other person in control thereof to keep or maintain any building or dwelling or part thereof which is a dangerous building as defined in this Article.

### **Section 7.4.02: Definitions**

- A. As used in this Article, "Dangerous Building" shall mean any building or structure which has one or more of the following defects or is in one or more of the following conditions:
- (1) Any door, aisle, passageway, stairway or other means of exit does not conform to the state, county or Township Fire Code or the state, county or Township Building Code enforced within the Township.
  - (2) Any portion of the building or structure is damaged by fire, wind, flood, or by any other cause so that its structural strength or stability is appreciably less than it was before such catastrophe and does not meet the minimum requirements of the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, or the state, county or Township Building Code enforced within the Township for a new building or structure, purpose or location.
  - (3) Any part of the building or structure is likely to fall or to become detached or dislodged, or to collapse and injure persons or damage property.
  - (4) Any portion of the building or structure has settled to such an extent that its walls or other structural portions have materially less resistance to wind than is required in the case of new construction by the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, or the state, county or Township Building Code enforced within the Township.
  - (5) The building or structure or any part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support or for other reason, is likely to partially or completely collapse or some portion of the foundation or underpinning of the building or structure is likely to fall or give away.
  - (6) The building structure, or any part of the building or structure is manifestly unsafe for the purpose for which it is used.

- (7) The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, which because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, or is in a condition that the state, county or Township Building Inspector, Code Enforcement Officer or health officer of the state or county determines is likely to cause sickness or disease or is likely to injure the health, safety, or general welfare of the people living in the dwelling.
- (9) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (10) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under Article 25 of the Occupational Code, Act 299 of the Public Acts of 1980, as amended, being Sections 339.2501 to 339.2515 of the Michigan Compiled Laws. For purposes of this subsection "building or structure" includes, but is not limited to, a commercial building or structure. This subsection does not apply to either of the following:
  - (a.) A building or structure as to which the owner or agent does both of the following:
    - (1) Notifies the Ionia County Sheriff's Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement by the owner or agent not more than thirty (30) days after the building or structure becomes unoccupied.
    - (2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this Ordinance, the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, and the state, county or Township Building Code enforced within the Township.

(b.) A secondary dwelling of the owner that is regularly unoccupied or a period of 180 days or longer each year, if the owner notifies the Ionia County Sheriff's Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year.

An owner who has given the notice prescribed by this subsection shall notify the Ionia County Sheriff's Department not more than thirty (30) days after the dwelling no longer qualifies for this exception. As used in this subsection, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin, or summer home, that is occupied by the Owner or a member of the Owner's family during part of a year.

- B. "Enforcing Agency" and "Township" shall mean the Township of Portland.
- C. "state, county or Township Building Code" shall mean the State Construction code administered and enforced in the Township pursuant to the Stille-Derouette-Hale Single State Construction Commission Act, Act No. 230 of 1972, as amended.
- D. "Code Enforcement Officer" shall mean any officer designated by the Township Board as the officer responsible for enforcing the Portland Township Code of Ordinances.

**Section 7.4.03: Notice; Contents; Hearing Officer; Filing of Notice with Hearing Officer; Service**

- A. Notice Requirement. Whenever the Township, through its Code Enforcement Officer, determines that the whole or any part of any building or structure is a dangerous building, as defined in Section 7.4.02, the Township Building Inspector or Code Enforcement Officer shall issue a notice that the building or structure is a dangerous building.
- B. Parties Entitled to Notice. Such notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.
- C. Contents of Notice. The notice shall specify the time and place of a hearing to be held before a Hearing Officer concerning whether the building or structure is a dangerous building, at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the Hearing Officer should not order the building or structure to be demolished or otherwise made safe, or properly maintained.

- D. Service of Notice. The notice shall be in writing and shall be served upon the person to whom the notice is directed personally, or by certified mail with return receipt requested, and addressed to the owner or party in interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

#### **Section 7.4.04: Hearing Officer**

The Hearing Officer shall be appointed by the Township Supervisor with the approval of the Township Board. The Hearing Officer may be removed at the discretion of the Township Board. The Hearing Officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An elected official or employee of the Township shall not be appointed as a Hearing Officer.

#### **Section 7.4.05: Hearing; Testimony; Decision; Order; Nonappearance or Noncompliance; Review; Order to Show Cause; Cost**

- A. Filing of Notice. The Township shall file a copy of the notice that the building or structure is a dangerous building with the Hearing Officer.
- B. Hearing Testimony and Decision. The Hearing Officer shall take testimony of the Code Enforcement Officer or other person requested by the Enforcing Agency, the owner of the property, and any interested party. Not more than five (5) days after completion of the hearing, the Hearing Officer shall render his/her decision either closing the proceedings or ordering the building or structure to be demolished, otherwise made safe, or properly maintained.
- C. Order; Compliance with Order. If it is determined by the Hearing Officer that the building or structure should be demolished or otherwise made safe or properly maintained, the Hearing Officer shall so order, fixing a time in the order for the owner or party in interest to comply therewith. If the building or structure is a dangerous building under Section 7.4.02.A of this Article, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building, including but not limited to, the maintenance of lawns, trees, and shrubs.
- D. Noncompliance with Order. If the owner or party in interest fails to appear or neglects or refuses to comply with the order issued under Section 7.4.05.C, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five (5) days after noncompliance by the owner, and request that the necessary action be taken to enforce the order. A copy of the

findings and order of the Hearing Officer shall be served on the owner or party in interest in the manner prescribed in Section 7.4.03 of this Article.

#### **Section 7.4.06: Enforcement Hearing**

The Township Board shall fix a date, not less than thirty (30) days after the hearing prescribed in Section 7.4.05 for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner or party in interest in the manner prescribed in Section 7.4.03 of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the order should not be enforced. The Township Board shall either approve, disapprove, or modify the order. If the Township Board approves or modifies the order, the Township Board shall take all necessary action to enforce the order. If the order is approved or modified, the owner or party in interest shall comply with the order within sixty (60) days after the date of the hearing under this Section. In the case of an order of demolition, if the Township Board determines that the building or structure has been substantially destroyed by fire, wind, flood, or other natural disaster, and the cost of repair of the building or structure is greater than the state equalized valuation of the building or structure, the owner or party in interest shall comply with the order of demolition within twenty-one (21) days after the date of the hearing under this Section.

#### **Section 7.4.07: Implementation and Enforcement of Remedies**

- A. Implementation of Order by Township. In the event that the owner or party in interest does not comply with the decision of the Township Board, the Township Board may in its discretion, contract for the demolition, making safe, or maintaining the exterior of the building or structure or grounds adjoining the building or structure.
- B. Reimbursement of Costs. The cost of the demolition, of making the building safe, or of maintaining the exterior of the building, structure or grounds adjoining the building or structure, incurred by the Township to bring the property into conformance with this Article shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.
- C. Notification of Costs; Lien for Unpaid Costs. The owner or party in interest in whose name the property appears on the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or maintaining the exterior of the building, structure or grounds adjoining the building or structure, by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within thirty (30) days after mailing by the assessor of the notice of the amount of the cost, the Township shall have a lien for the cost incurred by the Township to bring the property into conformance with this Article. The lien shall not take effect until

notice of the lien is filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens or encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax act, Act 206 of the Michigan Public Acts of 1893, as amended, being Sections 211.1 to 211.157 of the Michigan Compiled Laws.

- D. Court Judgment for Unpaid Costs; Lien. In addition to other remedies under this Article, the Township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building, structure or grounds adjoining the building or structure. The Township shall have a lien on the property for the amount of the judgment obtained pursuant to this Subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over previously filed or recorded liens and encumbrances. The lien provided for in this subsection shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax act, Act 206 of the Michigan Public Acts of 1893, as amended, being Sections 211.1 to 211.157 of the Michigan Compiled Laws.
- E. Enforcement of Judgment. A judgment in an action brought pursuant to Section 7.4.07.D may be enforced against any assets of the owner including, but not limited to, the building or structure.
- F. Lien for Judgment Amount. The Township shall have a lien for the amount of a judgment obtained pursuant to Section 7.4.07.D of this Section against the owner's interest in all real property located in this State that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law and the lien does not have priority over previously filed or recorded liens and encumbrances.

#### **Section 7.4.08: Judicial Review**

An owner or party in interest aggrieved by any final decision or order of the Township Board under Section 7.4.06 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within twenty-one (21) days from the date of the decision.

## **Article 5: Junk Yards**

### **Sec. 7.5.01: License**

No person shall hereinafter own, maintain or operate within the township a junk yard, or place for the dismantling, wrecking, and or disposing of refuse materials of automobiles, without first having secured a license to do so from the township clerk. Any person allowing two or more junk automobiles upon property owned by him or under his control shall be deemed to be carrying on the business of storing junk automobiles.

### **Sec. 7.5.02: Application for License**

The application for license to operate a junk yard, or place for the dismantling, wrecking, and or disposing of refuse materials of automobiles, shall be made to the township board by the owner or authorized agent in writing on forms to be furnished by the Township Board and shall contain the following:

- (a) The full name, and address of the owner or operator;
- (b) A description of the site or sites, including the dimensions thereof and the street address;
- (c) The name and address of the title owners of said site or sites;
- (d) Whether the person making application for a license is currently engaged in conducting such business in any other location;
- (e) the trade name under which the business is to be conducted;
- (f) If the applicant is a corporation, the name, age, and address of its executive officer and the principal stock holders;
- (g) If required by the State of Michigan, a permit issued by the State Department of Transportation pursuant to 1966 PA 219.

Said application shall be subscribed and sworn to by the applicant and filed with the township clerk. The clerk shall immediately refer the application to the Supervisor of the Township, who may, if he so elects, call a special meeting of said township board to consider the said application, or he may delay such consideration until the next regular meeting of the Township Board. The Township Board shall cause an investigation to be made as to the suitability of the site and fitness of the applicant as to character and ability to conduct such business. If, in the opinion of the Township Board, the person making application is a proper person, the place to be used is suitable and zoned for such business, and such establishment does not otherwise violate the law, said board may authorize the granting of a license by the Township Board upon the payment of the license fee and provided in this Article. The Township Board, may in its discretion, refuse to grant the license provided for in this Article. All officers charged with making the investigation as provided for in this section shall have free access to all parts of the premises for which license has been applied, and a refusal to give such access by any person in charge of such premises shall be sufficient cause for a denial of said license.

**Sec. 7.5.03: Licenses**

- (a) The Township Board shall, as a condition precedent to the issuance of a license under this Article, require the applicant erect a cyclone fence at least six (6) feet in height in such a manner as to effectively screen junk automobiles from the view of the general public and any surrounding property owners, whether or not such property owners are adjoining property owners.
- (b) Prior to the issuance of a license to any applicant, such applicant shall furnish the Township Board with a notarized statement from all residents and property owners within a distance of two (2) miles of the proposed site, indicating that said property owners and residents have no objections to the granting of such a license.
- (c) Every license provided for in this article shall be issued by the Township Clerk and shall be on forms approved by the Township Board; said license shall be signed by the Township Clerk and countersigned by the Township Supervisor.
- (d) All licenses issued hereunder shall expire on the 1<sup>st</sup> day of July of each year following the issuing thereof.
- (e) No license issued under this resolution shall be transferable.
- (f) Separate licenses shall be required for each separate location.
- (g) No license shall issue until ten (10) days shall have elapsed from the date of the application for such license if filed with the township clerk.
- (h) Each license issued shall be conspicuously displayed at all times at the sites licensed.

**Sec. 7.5.04: License Fee**

The license fee for such operation is one hundred dollars (\$100.00) for each site licensed as a Junkyard or Place for the Dismantling, Wrecking, and/or Disposing of Refuse Materials of Automobiles for each year or fraction thereof, for each separate location in which said business is carried on or conducted.

**Sec. 7.5.05: Regulations**

Any person who shall be granted a license to operate any junk yard or place for the dismantling, wrecking and or disposing of refuse materials of automobiles shall:

- (a) Operate such establishment so as not to create a nuisance by reason of excessive noise or disagreeable odors or fumes;
- (b) Keep all junk, automobiles or parts thereof within the areas specifically licensed.
- (c) Refrain from burning any material which by reason of excessive smoke or bad odor is offensive or may tend to be offensive to the surrounding neighborhood. No fire shall be allowed to continue unattended or to be

lighted in violation of any rule, regulation or law of the state or this Code or any ordinance of the township;

- (d) Not load or unload iron or other heavy material between 9:00 p.m. in the evening and 6:00 a.m. in the morning;
- (e) Store all material of combustible nature so as not to create a fire hazard and such material shall not be permitted to accumulate in excess, but shall be disposed of promptly;
- (f) Upon vacating any site or upon abandonment of such business for any reason, remove all junk, automobiles, parts thereof, or other waste material from said premises;
- (g) Not obstruct, or cause to be obstructed the sidewalks, street, alleys or rights of way;
- (h) Not place or cause to be placed outside the property licensed any articles, automobiles, parts, wheels, tin, iron, or metal or other waste materials of any kind or nature.

**Sec. 7.5.06: Exhibition of goods on demand**

Every person licensed under the provisions of this Article shall, upon demand of the Supervisor, any law enforcement officer, or any township officer, exhibit all goods bought or received and give the description of the person selling the same.

**Sec. 7.5.07: Posting of Name of Business and Owner**

Any person owning, operating or using a junk yard or place for the dismantling, wrecking and or disposing of refuse materials of automobiles shall post in a conspicuous place in or upon his shop, store, wagon, vehicle, barn or other place of business a sign having his name and occupation legibly inscribed thereon.

**Sec. 7.5.08: Hours of Operation, Sales to minors, intoxicated persons or thieves**

No person shall purchase, or receive by sale, barter or exchange or otherwise any article mentioned in this Article from any persons between the hours of 9 p.m. and 7 a.m. or from any person who at the time is intoxicated, or from any habitual drunkard, or from any person known to said licensee to be a thief, or an associate of thieves, or a receiver of stolen property, or from any minor under the age of twenty one years, without the written consent of a parent or guardian.

**Sec. 7.5.09: Granting and Revoking of License**

No person known to be a thief or an associate of thieves, an habitual drunkard, a receiver of stolen property, nor any person incapable of keeping the records and making the reports herein provided for shall be deemed to be a suitable person to receive a license and any person to whom a license may have been granted may have his license revoked

by the township board on good cause shown and after reasonable notice and opportunity to be heard before such Township Board.

**Sec. 7.5.10: Premises Subject to Inspection**

All places of business and sites upon which a license herein provided for has been issued, as aforesaid, shall be kept neat and orderly and subject to the inspection of any law enforcement officer or township officer at all times.

**Sec. 7.5.11: Suspension and Revocation**

The Township Board may suspend or revoke any license with or without a hearing for failure of the license to comply with any of the provisions of this resolution.

**Sec. 7.5.12: Enforcement**

The Township Supervisor or his designate shall be responsible for the enforcement of this Article. The Township Supervisor shall be further empowered to make any investigation in regard to a violation of this Article and sign any criminal complaints was allowed by law necessary to enforce any provision of this Article.

**Sec. 7.5.13: Conflicting Provisions**

In the event any provision of this Article conflicts with state law, state law shall prevail. In the event any provision of this Article conflicts with Part 3, Zoning, Part 3 shall prevail.

