

**WELDON TOWNSHIP
BENZIE COUNTY
NUISANCE ABATEMENT ORDINANCE**

**WELDON TOWNSHIP BOARD
2008**

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**WELDON TOWNSHIP
BENZIE COUNTY
MICHIGAN
ORDINANCE NO. #10142008**

CHAPTER I Purpose

An ordinance to secure the peace, health, safety and welfare of the residents and property owners of the Township of Weldon, County of Benzie, Michigan; to prevent, reduce or eliminate blight and; to abate the nuisance.

CHAPTER II Nuisance Regulations

Section 1: Definition of Nuisance

- A. Nuisance: The word “nuisance” as used in this Ordinance means an act or failure to act by a person that creates or permits a material annoyance, inconvenience or discomfort that injures or endangers the health, safety or welfare of the public in their person or property. As defined herein, a nuisance includes, but is not limited to, an offensive, annoying, unpleasant or obnoxious thing or practice which is disturbing to the public or renders any person insecure in the use and enjoyment of their property (e.g. noise, glare, lights, vibration, dust, smoke, odor, gas, soot, ash, chemicals, fumes, rodents, insects, flies or decaying matter). A nuisance may also arise from residues or leaching from deposits or matter that are on the surface or in the ground that seeps into water thereby making it unsuitable for human consumption, or indecent, obnoxious, or offensive to the senses.
- B. Refuse: Used articles or used pieces of iron, scrap metal, motor vehicle bodies, or machinery; ashes; food waste; excrement; dead animals; industrial by-products or waste; paper; cans; glass; wood or lumber unless neatly stacked for use on the premises as firewood; containers; yard wastes such as clippings, leaves and branches unless neatly stacked in a property maintained composting pile; bottles; crockery; bedding; utensils; boxes; barrels; and all other articles customarily considered to be refuse, trash, litter, rubbish, or junk, and which are not housed in a building and which lends to create a danger to public health, safety, and the general welfare.
- C. Vehicle: Means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon rails or tracks.
- D. Disabled/Unused Vehicle: Any vehicle which does not display a current valid license plate for a period of 30 consecutive days or cannot be operated under its own power for a period of 30 consecutive days with the exception of a seasonal vehicle.

- E. Mobile Home/Travel Trailer: Any mobile home/travel trailer which is deemed by the Township to be totally deteriorated, disabled, or unfit for occupancy for a period of 15 consecutive days.
- F. Noxious Vegetation: Poison ivy, poison oak, and similar plants; grass, weeds, and undergrowth higher than 12 inches; vegetation obstructing a walkway, driveway, or street; or, living or dead trees or tree branches deemed hazardous to the public or to adjacent property.
- G. Stagnant Water: Filthy or unsanitary water standing at a depth of one inch for a period of more than seven consecutive days.
- H. Person: The term person as used herein shall include any individual, corporation, limited liability company, partnership or association.
- I. Board of Appeals: The Board of Appeals appointed by the Township Board pursuant to The Township Zoning Ordinance.

Section 2. Prohibition

- A. Refuse: No person shall accumulate, place, or store, or allow or permit the accumulation, placement, or storage of refuse on any lands public or private, except in a lawful sanitary landfill or transfer station, a lawful junkyard, or in storage receptacles designed for the temporary accumulation of refuse and provided with light fitting, water tight covers; provided however, that said receptacles shall not be used to store refuse for more than seven days.
- B. Abandoned Refrigerators: No person shall accumulate, place, or store, or allow, or permit the accumulation, placement, or storage of, in any place accessible to persons, any abandoned, unattended, or discarded ice box, or refrigerator, freezer which has an airtight door, airtight snap lock, or other airtight locking device which may not be released for opening from the inside of said ice box or refrigerator, without first removing said door(s) or locking device from said ice box, refrigerator or freezer.
- C. Disabled/Unused Vehicles: No person shall accumulate, place, or store, or allow or permit the accumulation, placement, or storage of disabled motor vehicles, in any place, with the exception of lawful junkyards, for a period of 30 days unless said vehicle is completely within a building or out of sight.
- D. Disabled Mobile Home/Travel Trailer: No person shall allow, place or store any mobile home/travel trailer which is considered totally deteriorated, disabled or unfit for occupancy on any public or private property.
- E. Noxious Vegetation: All property occupied or vacant provided the property is subdivided and improved, shall be maintained by the owner free of noxious vegetation and stagnant

water nuisances.

- F. Fence Maintenance: All fences shall be properly maintained by the owner. A fence shall be stable, safe and properly supported. Fence posts shall be at right angles to the horizons. Wood fences shall be protected from deterioration with properly applied paint or other protective coating, with the exception of redwood and cedar fences or fences constructed with pressure treated lumber or plastic. Metal fences or metal fence parts subject to corrosion shall be property painted or coated to prevent deterioration. Fences shall be maintained to retain their original shape and configuration.

Section 3. Appointment of a Township Enforcement Officer

- A. The Township Enforcement Officer shall be appointed by the Township Supervisor and confirmed by the Township Board as Enforcement Officer of the Nuisance Ordinance.
- B. The Enforcement Officer may with Township Board approval be assisted by the Building Inspector of Record when necessary.

Section 4. Enforcement

- A. The Township may, under its police power and in the interest of the public health, safety and welfare, and after the expiration of the period specified in the notice required hereunder, abate such nuisance without further notice or proceedings and charge the entire cost of labor, materials and actual attorney fees, if any, expended therefore to the owner or owners with costs plus interest at the highest lawful rate shall constitute a special assessment and priority lien on the subject premises.
- B. The owner, if possible, and the occupant of any property upon which any of the nuisance of the factors causing such nuisance as defined in Chapter II , Section I hereof is found to exist shall be notified by the Township Enforcement Officer, in writing to remove or eliminate such nuisance or factors causing such nuisance from the property within ten days after service of the notice upon him. Such notice may be personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bona fide efforts are taken to remove or eliminate the nuisance.
- C. Failure to comply with such notice within time allowed by the owner and/or occupant shall constitute a violation of this ordinance.
- D. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a civil infraction and, upon conviction thereof, shall be punished by a fine of not to exceed two hundred and fifty dollars (\$250) or ninety (90) days in jail, or both together with court costs, in the discretion of the court. Each day that such violation occurs shall constitute a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provision of this ordinance.

- E. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.
- F. The Township Enforcement Officer shall file the copy of the notice with the Township Supervisor.

CHAPTER III Dangerous Building Regulations

Section 1. Definition: As used in this Ordinance, the term “dangerous” means any building or structure including but not limited to any dwelling, garage, outbuilding, factory, shop, store, warehouse, mobile home, travel trailer, converted vehicles intended for habitable use as a dwelling, which because of physical deterioration, fire, wind, or other natural disaster is no longer habitable as a dwelling, or useful for the purpose it was originally constructed or intended and cannot conform to the existing building code of Benzie County, it shall be considered that such building or structure does not meet the requirements of this ordinance.

Section 2. Prohibition: It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

Section 3: Notice of Dangerous or Unsafe Structures:

- A. When any part of any building or structure is found to be in a dangerous condition, the Township Enforcement Officer shall issue notice of a dangerous condition.
- B. Such notice shall be directed in writing to the owner of or party in interest in the building in who’s name the property appears on the last local tax assessment records of the Township. Notice may be served upon the person personally, or mailed by certified mail-return receipt requested.
- C. 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.
- D. The Enforcement Officer shall file a copy of the notice of the dangerous and unsafe conditions with the Township Supervisor.
- E. The property owner must make contact with the Enforcement Officer through letter or personally to discuss the plan for remedial action within 15 days of the notice which must be to the satisfaction of the Enforcement Officer.
- F. In the event of no agreement between the owners of the property or his/her representative and the Enforcement Officer, the property owner or the representative may file an appeal to the Township Board of Appeals within 15 days of the termination of the notice served by the Enforcement Officer.
- G. If there is no response within 15 days from the property owner or his/her representative, the Enforcement Officer shall inform in writing to the Township Supervisor.

Section 4. Township Supervisor's Action:

- A. The cost incurred by the Township for the demolition or making safe the building shall be a lien against the real property and shall be reported to the Township Supervisor who shall assess the cost against the property on which the building or structure is located.

CHAPTER IV Miscellaneous

Section 1. Interpretation of Ordinance:

- A. In this interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health morals, safety and the general welfare.
- B. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or higher standards, shall control.
- C. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, nor other parts, sections, subsections, or clauses, thereof.
- D. No officer, agent, or employee of Weldon Township shall render himself/herself personally liable for any damage that may occur to any person, firm or corporation, or property as a result of any act required or permitted in the discharge of his/her duties under this Ordinance.

Section 2. Adoption and Effective Date:

- A. By the Order of Weldon Township Board of Trustees.
This Ordinance was adopted on: October 14, 2008
- B. This Ordinance shall be effective: March 4, 2009

Revision Date: April 13, 2017

Revision Effective: June 10, 2017

**WELDON TOWNSHIP
PO BOX 570
THOMPSONVILLE, MICHIGAN 49683**

R E S O L U T I O N

Date: October 14, 2008

WHEREAS, the Weldon Township Board having held a "PUBLIC HEARING", as required by State Statute, on October 14, 2008 at 7:30PM at the Weldon Township Hall, for the purpose of adopting a Nuisance Abatement Ordinance, and

WHEREAS, there having been no negative response by the Township Electorate to the proposed Ordinance at said Public Hearing, and

WHEREAS, there being no negative comments to the proposed Nuisance Abatement Ordinance and under the recommendation of the Township Board, and

WHEREAS, the Weldon Township Board having reviewed the proposed Nuisance Abatement Ordinance as recommended, at their Regular Township Board Meeting, and there being no negative commentary to the proposed Nuisance Abatement Ordinance, and

THEREFORE, under a Motion by Dean Rhodes and supported by Sue Meredith, to Approve and Adopt the proposed Nuisance Abatement Ordinance as presented, with said Ordinance to take effect thirty (30) days from this date, February 4, 2009.

<u>YEAS</u>	<u>NAYS</u>	<u>ABSENT</u>
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DATE: October 14, 2008

Township Supervisor

Township Clerk