

RECORD OF ORDINANCES

ORDINANCE NO. 19

Township of Evangeline County of Charlevoix

Ordinance No. 19 enacted by the Board 6 OCTOBER, 1997

Published: _____, 19____, within 10 days after enactment.

Effective _____, 19____.

Record of votes of Board Members:
(Yes or No)

(Yes or No.)

<u>ADAMS</u>	<u>(Y)</u>	<u>SHIELDS</u>	<u>(Y)</u>
<u>KIDD</u>	<u>(Y)</u>	_____	<u>()</u>
<u>LOPY</u>	<u>(Y)</u>	_____	<u>()</u>

I CERTIFY that publication was made on _____, 19____ within 10 days after enactment of ordinance.

Signed: _____, Township Clerk

THE TOWNSHIP OF EVANGELINE ORDAINS,

SEE FOLLOWING PAGES.

Signed [Signature] Supervisor _____ Clerk _____

EVANGELINE TOWNSHIP
NUISANCE ORDINANCE
ORDINANCE No. 19 OF 1997

THE TOWNSHIP OF EVANGELINE ORDAINS:

An ordinance to prevent, reduce/eliminate nuisances, nuisance factors or causes of nuisances within Evangeline Township, Charlevoix County, State of Michigan. To provide for the enforcement thereof and to provide penalties for the violation thereof.

Section I - Title

This ordinance shall be known and cited as the Evangeline Township Nuisance Ordinance.

Section II - Definitions

As used in this ordinance the following terms shall have the meanings prescribed in this section.

- A. **Building Materials:** Includes but is not limited to lumber, bricks, concrete or cinder blocks, plumbing or hearing materials, electrical wiring or equipment, shingles, mortar, concrete ore cement, nails crews or any other materials used in construction or a structure.
- B. **Garbage:** Means rejected food wastes, including wasted accumulated of animal, fruit or vegetable matter used or intended for food or that relate to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.
- C. **Junk:** By way of example and not limitation the term shall include used or salvaged metals and their compounds or combinations, used or salvaged rope, rubber, tires or vehicle parts.
- D. **Junk Vehicles:** A junk vehicle is an automobile, truck, aircraft, boat or other recreation vehicle (or parts thereof any of the above) which is inoperable or currently is not license to legally travel or roads, water or in the air, which is kept or stored on private property for a period of fifteen (15) days or more
- E. **Rubbish:** Means nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery bags, rags, and demolished materials.
- F. **Persons:** Means an individual, partnership, limited liability company, corporation, or any other type of organization.
- G. **Sealed Container:** Means a covered, closable container which is rodent-proof, fly-proof, and watertigh such as garbage cans with properly fitting tops or plastic garbage bags which have been twist closed shut.
- H. **Totally Closed Structure:** Means a building capable of being sealed on all sides such as a house, garbage or storage shed with a roof, floor and walls or closable doors around its perimeter.

Section III - Nuisances

The following are hereby declared to be nuisances:

- A. The keeping or storage of building materials outside on private property unless there is in force a valid building permit for the Charlevoix County Building Department for construction of that property and the building materials are for use in such construction except in those districts zoned industrial in the Evangeline Township Zoning Ordinance.
- B. The keeping or storage of ashes, junk, garbage, or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for the purpose of holding such ashes, junk, garbage or rubbish. Food products or yard waste, which are stored in a composting structure and managed for compost, are exempt from this provision.
- C. The keeping or storage of junk vehicles outside of a totally enclosed structure on private property.
- D. The placing of ashes, junk, garbage, or rubbish on private property without the owner's permission or on public property. The provision applies regardless of whether the ashes, junk, garbage or rubbish is in a sealed container.
- E. The keeping or storage of junk, garbage, or rubbish on private property, including inside a building, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source or habitation of insects, rodents or vermin.
- F. The depositing of oil, gasoline, or other hazardous waste on the ground.
- G. The existence of any structure or damaged partial structure which because of fire, wind, or other natural disaster or physical deterioration is no longer habitable as a dwelling, nor currently useful for any other purposes for which it may have been intended.
- H. The existence of any vacant building, garage house, outbuilding unless such structure is kept secure from entry by the public.
- I. The disturbing, placing or posting, or affixing of posters, notices, or handbills on private property without the consent of the owner or occupant except as authorized or required by law.

Section IV - Municipal Civil Infraction

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than One Hundred and 1/100 (\$100.00) Dollars, second violation subject to a fine not more than Two Hundred and Fifty (\$250.00) Dollars, and the third violation subject to a fine not more than Five Hundred (\$500.00) Dollars. Each day this Ordinance is violated shall be considered a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

Section V - Enforcement

This Ordinance shall be enforced by the person(s) authorized by the Township.

Section VI - Abatement of Nuisance Per Se

A violation of this Ordinance is declared to be a nuisance per se. The Township is hereby authorized to seek in circuit court such relief as may be permitted in law or inequity regarding the abatement of a nuisance per se.

If the owner or possessor of any property on which a nuisance exists fails to eliminate a nuisance after having received notice from the Township of the existence of the nuisance, the person authorized to enforce this Ordinance, after receiving authorization by the Township Board shall take such steps as are necessary to abate or eliminate the nuisance.

The cost of elimination of the nuisance by the Township, including reasonable attorney fees, may be collected in a lawsuit against the owner and/or possessor of the property on which the nuisance existed and/or against the person who committed, created, or maintained the nuisance.

Section VII - Validity

If any section, provision, or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application.

Section VIII - Effective Date

This Ordinance shall become effective thirty (30) days after its publication.