

BLIGHT CONTROL ORDINANCE

WILLIAMSTOWN TOWNSHIP, MICHIGAN

Effective March 21, 1990

Updated August 13, 2014

20.00 THE TOWNSHIP OF WILLIAMSTOWN ORDAINS:

The Blight Control Ordinance, referred to as "Ordinance No. 18" of the Township of Williamstown Code is hereby superseded by the following ordinance.

20.01 Sec. 1. 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.

(Res. Eff. March 21, 1990)

20.02 Sec. 2. 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, any of the following substances: organic refuse, food wastes, ashes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, shell, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates,, rags, discarded clothing, bedding, floorcovering, wallpaper, sweepings, 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 grass clippings, clippings from hedges or shrubs, or detached tree branches, 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 Williamstown Township owned by the Township of Williamstown, County of Ingham, State of Michigan or other municipal corporation.
- (2) Any river, lake, stream, drainage way, wetland or other body of water.
- (3) Any private place, or premises where in the opinion of the Township Supervisor or his duly authorized 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, in- sects, rodents or vermin.

B. The emission of noxious fumes to include, but not limited to, those foul odors mentioned in Ordinance No. 17, Section 4 of the Williamstown Code of Ordinances, 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, inflammable 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, except on a seasonal basis for the purpose of performing the duties associated with a typical commercial farming operation.

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, other parts unto the street, alley, sidewalk or other public or private dirt, grease, sticky substances or foreign matter of any kind. Provided, however, that under circumstances determined by the Township Supervisor or his agent, to be in the public interest, the Supervisor, or his agent, may grant persons temporary exemption from the provisions of this subsection conditioned upon cleaning and correcting the violating condition as specified by the Township Supervisor, or his agent, and execution of any 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, when such keeping results in the disturbance of the safety of one or more persons reasonably insecure in the use of his or her property.

G. The keeping of horses or livestock unless permitted by the zoning ordinance 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. Abandon, leave, keep, or maintain a junk or abandoned motor vehicle, as provided in Section 6 [Section 20.06] of this Ordinance.
(Res. eff. March 21, 1990)

20.03 Sec. 3. ABATEMENT: NOTICE, AUTHORITY OF OFFICERS.

Whenever any public nuisance described in Section 1 and 2 [Section 20.01 or 20.02] 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 Supervisor, or his agent, without notice and the cost of abatement charged as provided in Section 5 [Section 20.05] of this Ordinance. Except as provided in Section 6 [Section 20.06] of this Ordinance for junk or abandoned motor vehicles, whenever any such public nuisance shall exist on private premises within the Township, the Township Supervisor, or his agent, shall give notice in writing by certified mail-return receipt requested, addressed to the owner or occupant of the property requested, 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 ten (10) days of the receipt of the notice or request a hearing within said ten (10) days. The notice shall further state that if the public nuisance is not repaired, torn down, abated

or otherwise removed or a hearing requested within said period, said nuisance will be repaired, torn down, abated or otherwise removed by the Township Supervisor, or his agent and the cost thereof charged as provided in Section 5 [Section 20.05] of this Ordinance. 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-return receipt requested, addressed to the owner or party in interest at the address shown on the Township tax records, at least twelve (12) days before further action by the Supervisor, or his agent.

Express authority to enter upon lands and investigate and repair, tear down, abate or otherwise remove public nuisances is hereby conferred upon the Township Supervisor, or his agent. If after due notice is hereinabove specified, the owner or occupant or other interested person fails to repair, tear down, abate or otherwise remove the public nuisance or request a hearing as herein provided, the Supervisor, or his agent, is empowered to enter upon the lands where said public nuisance is located and repair, tear down, abate or otherwise remove said public nuisance and charge the cost therefore as provided in Section 5 [Section 20.05] of the Ordinance.

(Res. eff March 21. 1990)

20.04 Sec 4. HEARING

If, after notice provided under Section 3 [Section 20.03] of this Ordinance the recipient of said notice shall request a hearing as therein provided, a hearing shall be held before the Township Supervisor or a hearing officer appointed by the Supervisor to determine the applicability of this Ordinance to the property in question. The Township Supervisor or his 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 Ordinance. If the Township Supervisor or his appointed hearing officer determines that the condition violates the provisions of this Ordinance, 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 in the order, the Township Supervisor, or his agent, may repair, tear down, abate or otherwise remove said public nuisance and charge the cost thereof as provided in Section 5 [Section 20.05] of this Ordinance.

(Res. eff. March 21, 1990)

20.05 Sec. 5. ABATEMENT; COSTS

All expenses incurred by the Township Supervisor, or his agent, in repairing, tearing down, abating, or otherwise removing a public nuisance under this Ordinance shall be charged to the person responsible therefore, 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 thirty (30) days after a statement therefore 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.

(Res. eff. March 21, 1990)

20.06 Sec 6. JUNK OR ABANDONED MOTOR VEHICLES.

- A. A motor vehicle is hereby defined as any wheeled vehicle which is self-propelled or intended to be self-propelled. Junk or abandoned motor vehicles for purposes of this section shall include:
- (1) Any motor vehicle which has remained on the premises of another for a period of forty-eight (48) continuous hours, or more, without the consent of the owner or occupant of the property or for a period of forty-eight (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 thirty (30) consecutive days or more does not have an engine in running condition, four inflated tires, and a battery; or
 - (3) Any motor vehicle which, for a period of seventy-two (72) hours or more does not have attached current license plates and current insurance; or
 - (4) Any motor vehicle which is in fact abandoned by its owner; or
 - (5) Any motor vehicle which is for any reason not operable and not repairable.
- B. No person shall abandon a motor vehicle or part thereof on the premises of another.
- C. No person shall store, maintain, keep, leave, or authorize the storage, maintenance, keeping or leaving of any abandoned or junk motor vehicle or part thereof on any private property under his ownership, tenancy or control.
- D. The following motor vehicles shall not be deemed junk or abandoned vehicles for purposes of this section: vehicles stored within a fully enclosed building, vehicles kept in stock in trade by a regularly licensed dealer in motor vehicles, or vehicles stored by a licensed junk dealer. The Township Supervisor may, upon written application, exempt from this section for any reasonable period of time any historic or classic vehicle, any vehicle which by reason of special circumstances is deemed by him not to be a junk or abandoned vehicle.
- E. Except as provided in Section 3 [Section 20.03] with respect to nuisances existing on Township property or upon the property of another municipal corporation within the boundaries of the Township, if a motor vehicle has been deemed to be abandoned under the definitions of abandoned vehicles in Section 6(A) [Section 20.06(A)], then the Township Supervisor or his agent may do one of the following:
- (1) Remove, or cause to be removed, any junk or abandoned motor vehicle 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 by authorizing the Ingham County Sheriff to take the vehicle or part thereof into custody and dispose of the vehicle according to their procedures for abandoned vehicles.
 - (2) Remove or cause to be removed, any junk or abandoned vehicle or part thereof from any unenclosed private property after having notified the vehicle 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 forty-eight (48) hours prior to removal. If the vehicle is not removed within forty-eight (48) hours after the date the notice was delivered or affixed, the vehicle is deemed abandoned and the Township Board may authorize the Ingham County Sheriff to take the vehicle into custody and dispose of the vehicle according to their procedures.
(Res. eff. March 21, 1990)

20.07 Sec 7. UNLAWFUL NOISE PROHIBITED.

A. 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 continue 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. The following acts, among others, are declared to be unlawful noises in the violation of this section, 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) **Animals and birds.** Owing, possessing or harboring any animal or bird that frequently or for continued duration howls, barks, meows, squawks or makes other sounds 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.
- (4) **Construction.** Operating or permitting the operation of any tools or equipment used in construction, excavation, demolition, alterations or repair of any building, street or highway, between the hours of 9:00 p.m. and 7 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 Building Inspector after approval is given by the Township Board.
- (5) **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 subparagraph shall not prohibit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snow blower, or similar device used outdoors in residential areas between the hours of 6:00 a.m. and 10:00 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.

B. 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.

- C. The provisions of this section shall not apply to the emission of sound for the purpose of alerting persons to the existence of emergency work.
- D. The Township Building Inspector may provide, with the authorization of the Township Supervisor, an applicant a variance of this section to permit construction noises during hours otherwise prohibited hereunder, after notice and hearing before the Township Supervisor, upon a showing that compliance with this section would constitute an unreasonable hardship on the applicant, on the community or other persons.
(Res. eff. March 21, 1990)

20.08 Sec 8. PUBLIC NUISANCES; EMERGENCY ABATEMENT; COSTS.

The Township Supervisor, or his agent, may act to abate a public nuisance without giving notice as specified in Section 3 [Section 20.03], if the public health, safety welfare requires immediate action. The cost of abating such nuisance shall be charged as specified in Section 5 [Section 20.05].
(Res. eff. March 21, 1990)

20.09 Sec. 9. PENALTIES.

In addition to the civil rights and remedies herein provided to the Township, any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor or municipal civil infraction, as determined within the Township's discretion. Any person who is convicted of a misdemeanor under this section shall be subject to punishment by an amount not exceeding Five Hundred Dollars (\$500.00) or be imprisoned for a period not exceeding ninety (90) days or both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. If instead a municipal civil infraction is imposed, the penalty shall be a fine not to exceed \$500.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance. The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue. Further violations subject the owner or occupant, or person or persons, agent, firm or corporation to subsequent municipal civil infraction violations.
(Res. eff. March 21, 1990)

20.10 Sec. 10. APPEARANCE TICKETS.

In all arrests and prosecutions for violation of this Ordinance, appearance tickets and the appropriate procedures set forth in Act 147, Michigan Public Acts of 1968, as amended, may be used whenever appropriate.
(Res. eff March 21, 1990)

20.11 Sec 11. EFFECTIVE DATE.

This Ordinance shall be effective after legal publication.
(Res. eff March 21, 1990)

