

Pursuant to Act 246 of 1945

SECTION I. DEFINITIONS

For the purposes of this ordinance, a public nuisance and blight is any activity upon condition of or use of property that:

1. Constitutes a public nuisance.
2. Endangers the health or safety of the inhabitants.
3. Is a verifiable complaint made by a resident of the Township in writing.
4. Satisfies any one of the following:
 - a. Accumulation of junk, rubbish, or loose garbage, including unlicensed or inoperable motor vehicles. Except in a completely enclosed building, or an opaque privacy fence, or out of public sight.
 - b. Junk Motor Vehicle shall include:
 - a. Includes without limitation, any motor vehicle that is not in operating condition nor meets the minimum requirements of the Michigan Vehicle Code, Act 300 of 1939, being but not limited to four wheels with inflated tires, a working battery, an engine in running condition, and a gear train capable of moving the vehicle at the time.
 - b. Includes, without limitation, any motor vehicle which is not licensed for use on the highways of the State of Michigan for a period in excess of sixty (60) days, provided that there is excepted from this definition:
 - i. Non-licensed but operable vehicles which are used for snow plowing or farm equipment, or used for business trade located on property or seasonal or recreational vehicles; or

- ii. Motorized vehicles that are kept as the stock in trade of a regularly licensed and established business.
 - iii. Motorized vehicles that are inoperable due to mechanical failure provided that the time limit such vehicles may remain upon the premises shall be a period of 120 days with an extension of an additional thirty (30) day period upon presentation to the Township Board of written proof that the offending vehicle is involved in an insurance claims litigation or similar matter and additional time is required for settlement before a vehicle can be removed.
- c. Noxious or Poisonous Vegetation: Poison ivy, poison sumac, ragweed, and other vegetation which are determined to be detrimental to public health by Public Health, Delta & Menominee Counties, or its successor agency.
- d. Owner: Any person whose name appears on the tax rolls of Harris Township for a particular piece of property.
- e. Person: Any individual, proprietorship, firm, public or private corporation, partnership, trust, public or private agency, or any other entity or other group of such persons.
- f. Trash and Rubbish: Includes, without limitation, any and all forms of debris not otherwise classified in this section.
- g. Abandoned or Junk Vehicles, Domestic Refuse: It shall be unlawful for any person to store or to permit the storage or accumulation of abandoned vehicles, domestic refuse, trash and rubbish, junk, or junk motorized vehicles on private or public property within the Township except within a completely enclosed building or in an area screened by natural objects, plantings, fences, or grade of the land so as not to be visible from the public roadway or adjoining property dwelling. permitted to grow in any unkempt and disorderly fashion.

- h. Domestic Refuge: All domestic refuse generated by a person shall be disposed of frequently enough to protect public health and shall be deposited with a licensed hauler and/or deposited in a licensed landfill.

SECTION 2 - ENFORCEMENT OFFICER

The Township official charged with the responsibility to determine when a public nuisance and/or blight exists, and to seek abatement of the nuisance and/or blight in accordance with this ordinance, shall be the Harris Township Zoning Administrator, who is referred in this ordinance as the Enforcement Officer. The Enforcement Officer may enlist the assistance of the Menominee County Sheriff's Department to enforce this ordinance.

SECTION 3 – NOTICE OF VIOLATION OF ORDINANCE

The owner, if possible, and the occupant of any property upon which a complaint has been filed shall be contacted with a certified letter by the enforcement Officer, describing the complaint and what action is necessary to remove or eliminate such factors from the property. The notice shall state:

- a. The name of the owner of record and mailing address as it appears on the tax rolls of the Township, the address and legal description of the property;
- b. A description of the unlawful defect in, or conditions of, the blighted property. This description will specify which section of this ordinance is involved;
- c. The corrective action that needs to be taken with as complete a description as reasonably possible.
- d. The amount of reasonable time for the corrective action to be commenced and completed;
- e. That the owner or occupant affected by the notice may file a written request for a hearing with the Township Board within fifteen (15) days after the day the notice was mailed;
- f. That failure to file a written request for a hearing within fifteen (15) days shall automatically deem the notice to be an order;
- g. That failure to comply with the requirements of this notice may result in a fine of \$300.00 (three hundred dollars.) and/or legal action may be taken against the property owner by the Harris Township Board.

SECTION 4: ENFORCEMENT:

If the owner or occupant fails to comply with any notice issued pursuant to Section 3 of this ordinance, a second notice will be mailed by certified mail. This second notice will restate the information identified in Section 3 of this ordinance, with the following additions or revisions:

- a. The violations shall be corrected within thirty (30) days after the day the notice was mailed.
- b. A violation not corrected within this period of time shall be reported to the Harris Township Attorney, who shall initiate the prosecution process.
- c. Such legal action shall occur with the purpose of entitling the Harris Township Board to cause the corrective actions to be done. All costs pertaining to the legal action and the correction of blight conditions shall be referred to the Harris Township Board and the Harris Township Board shall adopt a Special Assessment Resolution and said special assessment shall be a lien against the real property and shall be reported to the Harris Township Assessor and the Harris Township Treasurer pursuant to appropriate law.
- d. In addition to the actions identified in Section 3, Subsections B and C, any person convicted of a violation of an order as herein described shall be fined \$300.00 (three hundred dollars) and/or legal action may be taken against the property owner by the Harris Township Board.

SECTION 5: EMERGENCIES:

1. In the event of an emergency such as flood, fire, tornado, explosion, or other sudden or unexpected occurrence demanding that immediate measure be taken to protect the public health, safety, or welfare, the Township Board grants to the Township Supervisor, the power to act on behalf of the Township to take immediate action as such emergencies dictate, to protect the health, safety, or welfare of the Township.
2. When such emergency situation so demand, the Township Supervisor acting on behalf of the Township may dispense with the hearing notice requirements of this ordinance if, due to the public necessity in emergency situations, such notice and hearing would place the health, safety, or welfare of the public in imminent danger.

3. If the urgent need might allow, an attempt shall be made to preserve some type of evidence, such as by photographs, as to the value of the property and the need for action taken.
4. When it becomes reasonable to do so, the Hearing Board shall hold a hearing to determine appropriateness of the action authorized under Section 4 (all subsections), and how much, if any compensation is proper.
5. Such hearing shall be in accordance with the notice requirements in Sections 3 and 5.
6. At the hearing, the owner or the owner's duly appointed representative, shall be given the opportunity to show cause.

SECTION 6: HEARING BOARD:

The Hearing Board shall be comprised of three (3) residents of Harris Township. These residents shall be appointed by the Township Supervisor, with the majority approval of the Township Board. The presiding officer of the Hearing Board shall be selected by the Hearing Board.

SECTION 7: HEARING:

1. The owner or occupant affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, may request and shall be granted a hearing on the matter before the Hearing Board; provided that such person shall file in the Office of the Township Supervisor a written petition requesting such hearing and setting forth a brief statement on the grounds therefor within fifteen (15) days after the day the notice was mailed. Upon receipt of such a petition, the Township Supervisor shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed; provided that upon application of the petitioner, the Township Supervisor may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if in the judgement of the Township Supervisor, the petitioner has submitted a good and sufficient reason for such postponement.
2. The Hearing Board shall take testimony of the Enforcement Officer, the owner of the property, and any interested party. The owner shall have the opportunity to produce witnesses to testify for him, so he may show cause why the property should not be ordered to be cleaned up or otherwise made safe. The Hearing

Board shall render a recommendation to the Township Board either finding that the violations do not exist or finding that the violations do exist and the original order shall be enforced or that the violations exist in part and the original order should be modified. If the Hearing Board sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this ordinance shall automatically become an order if a written petition for hearing is not filed in the Office of the Township Supervisor within (15) days after such notice is mailed.

3. The recommendation of the Hearing Board shall be written. It shall incorporate into a formal record their findings and facts of conclusions. The recommendation of the Hearing Board shall be forwarded to the Township Board not later than the first regular meeting after the close of the hearing.
4. An official record of the hearing shall be prepared, which may include:
 - a. Notices, pleadings, motions and intermediate rulings.
 - b. Questions and offer of proof, objections, and rulings thereon.
 - c. Evidence presented.
 - d. Matters officially noticed, except matters so obvious that a statement of them would serve no useful purpose.
 - e. Proposed findings and exceptions.
5. Oral proceedings at which evidence is presented shall not be recorded unless requested by a party who shall pay for the recording and transcription so requested.
6. If it is recommended by the Hearing Board that the property should be cleaned up or otherwise made safe, the Township Board shall so order, fixing a time in the order for the owner to comply therewith. Said order shall be in writing and shall be mailed by certified mail by the Township Supervisor to the owner and petitioner.

SECTION 8: ENFORCEMENT AND PENALTIES FOLLOWING THE ORDERS OF THE HEARING BOARD - MUNICIPAL CIVIL INFRACTION

The owner, and/or the occupant of any property upon which any of the causes of public nuisance, blight or blighting factors defined in Section 1 are found to exist, shall be notified in writing within 30 days after being served the notice. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of the public nuisance, blight or blighting factors are in progress.

Failure of the owner or occupant to comply with such notice within the time allowed by the enforcement officer shall constitute a violation of this ordinance.

Any person responsible of violating or assisting in the violation of any provision in this ordinance shall be subject to municipal civil infraction. Violators shall reimburse the Township for the actual costs incurred by the Township to remedy the public nuisance, blight or blighting factors and such liability may be enforced by a civil action filed in a court of competent jurisdiction.

The Township Board may ask the court to assess a lien on the property in the amount of \$300.00 (three hundred dollars) and any legal fees incurred for the purpose of removing the public nuisance, blight or blighting factors.

SECTION 9: SALE OR TRANSFER OF PROPERTY NOT IN COMPLIANCE

It shall be unlawful for the owner of any property, or structure who has received a complaint described in this ordinance to sell, transfer, mortgage, lease, or otherwise transfer ownership or occupancy to another until such violation has been resolved with the Township Board or until the new owner or occupant of the subject property or structure has been made aware of all violations and accepts unconditional responsibility for resolving violations. The new owner or occupant shall sign an agreement to correct the violations within sixty (60) days of taking ownership or occupancy.

SECTION 10: SAVINGS CLAUSE

Should any section, clause, or provision of this ordinance be declared by any court to be invalid, the invalid provisions shall not affect the validity of the remaining portions of this ordinance or any part other than the part so declared to be invalid.

SECTION 11: EFFECTIVE DATE AND ADOPTION

This ordinance, being necessary to protect the public health, safety, and welfare, shall become effective 30 days following publication in a newspaper having general circulation within Menominee County.