

**WATERLOO TOWNSHIP
JACKSON COUNTY, MICHIGAN
ORDINANCE AMENDING ORDINANCE NO. 89-08-24-2**

WATERLOO TOWNSHIP ANTI-BLIGHT AND ANTI-NUISANCE ORDINANCE

Ordinance No. 23-02-28-1

At a meeting of the Waterloo Township Board, Jackson County, Michigan, held at the Waterloo Township Hall at 9773 Mt Hope Road, Munith, Michigan 49259 on the 28th day of February, 2023, at 7:00 p.m., Board Member Lance moved to adopt the following Ordinance, whose motion was seconded by Board Member McAlister:

Under Act 246 of 1945, MCL 41.181 et. seq., and all authorizing authority, an Ordinance to promote the health, safety, and welfare of the people of Waterloo Township, Jackson County, Michigan, by defining and prohibiting public nuisances including blight; declaring certain acts, apparatus, accumulations, violations, and activities as public nuisances per se; providing the procedure for enforcement of this Ordinance; and repealing all ordinances or parts of ordinances in conflict with this Ordinance.

THE TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, ORDAINS:

SECTION 1: TITLE AND PURPOSE. This Ordinance shall be known and cited as the Waterloo Township Anti-Blight and Anti-Nuisance Ordinance, Ordinance No. 23-02-28-1. The purpose of this Ordinance is to reduce and eliminate blight and/or nuisances within the Township by providing a mechanism to enforce violations and compel compliance with this Ordinance.

SECTION 2: DEFINITIONS. The following defined terms shall have the following definitions. Capitalization of such defined terms throughout this Ordinance shall have no impact on the meaning of a defined term.

1. **"Abandoned Vehicle"** means, without limitation, any vehicle which has remained on private property 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a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant of the property has been revoked.
2. **"Blight"** means all blight, blighting factors, nuisances, and causes thereof as defined in this Ordinance. Blighted conditions are prohibited upon all property in the Township and shall constitute illegal land uses and a nuisance per se and shall be abated. No owner, occupant, lessee, licensee, or any other person shall permit blighted conditions to exist on any property in the Township.
3. **"Blighted Structure"** means, without limitation, any dwelling, garage or outbuilding, or any factory, shop, store, office building, warehouse, or any other structure or part of a structure which, because of fire, wind, weather or other natural disaster, or physical

deterioration, is no longer habitable as a dwelling or useful for the purpose for which it may have been intended.

4. **"Building Materials"** means, without limitation, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws, plastic, glass, metals, scrap metals or shavings, or any material used directly or indirectly in constructing any structure.
5. **"Junk"** means, without limitation, parts of machinery or motor vehicles, broken or unusable furniture, appliances, remnants of wood, metal, plastic, or any other castoff material of any kind whether or not the same could be put to any reasonable use, refuse, and any other material commonly considered to be garbage.
6. **"Junk Vehicle"** means, without limitation, any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of sixty (60) days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty (60) days; provided that there is excepted from this definition unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer or other motorized vehicle; provided further that the time limit such vehicles remain upon the premises for a motor vehicle repair facility shall be a period of sixty (60) days, with an extension of an additional thirty (30) days upon presentation to the Township's Ordinance Enforcement Officer of written proof the offending vehicle is involved in an insurance claim or litigation or a similar matter and additional time is required for settlement before the vehicle can be moved.
7. **"Person"** means all natural persons, firms, partnerships, corporations, entities, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves or in concert with others. All persons who violate any of the provisions of this Ordinance, whether as owner, occupant, lessee, agent, servant, or employee shall, except as provided otherwise in this Ordinance, be equally liable as principals.
8. **"Public Nuisance"** means 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, and is hereby declared to be a public nuisance. Public nuisances shall include, but shall not be limited to, whatever is forbidden by any provision of this Ordinance. No person shall commit, create, or maintain any public nuisance.
9. **"Trash," "Rubbish," and "Garbage"** means any and all forms of debris not otherwise defined or classified by this Ordinance.

SECTION 3: PUBLIC NUISANCES PER SE. The following acts, apparatus, accumulations, violations, and activities within the Township are hereby declared to be public nuisances *per se* and are punishable under this Ordinance:

1. **Improper Storage.** Maintaining or permitting to remain on premises owned or occupied by him or her; 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, plastic products, cans, bottles, jars, junk tires, junk mattresses, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor covering, wallpaper, sweepings, waste paper, newspapers or magazines, discarded appliances, rubbish, excrement, trash, garbage, junk, rot, construction debris including, but not limited to, lumber, bricks, block, plumbing or heating materials, plastic 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:
 - a. Any public street, highway, lane, road, alley, public place, square, sidewalk or any lands within the boundaries of the Township owned by the Township or other municipal corporation.
 - b. Any river, lake, stream, or other body of water.
 - c. Any private place or premises where in the opinion of the Township Ordinance Enforcement Officer or his/her agent the specified substances constitute a dangerous condition or are detrimental to the public health, safety, or welfare, offend aesthetic sensibilities, or may cause sickness or attract flies, insects, rodents, or vermin.
 - d. Outside of a private place or premises, whether being stored or staged temporarily, where any of the above substances are visible from the boundary line of the parcel, impermissibly stored outside of a completely enclosed building, or otherwise stored in a manner that is inconsistent with the Township's Ordinances.
2. **Blight.** Keeping or maintaining, or permitting to be kept or maintained, any blighted structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless such structure is in the course of active construction, active renovation, or active demolition in accordance with all applicable permits including those issued by the Waterloo Township Building Department or applicable entity, and unless such construction, renovation, or demolition is completed within a reasonable time.
3. **Building Materials.** Storing or permitting the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where such building materials are part of the stock and trade of business located on said property, or except where such materials are being used in the construction of a structure on said property in accordance with a valid zoning permit issued by Waterloo Township and a valid building permit issued by the Waterloo Township Building Department or applicable entity if such construction is completed within one year after issuance of the building permit.

4. **Attractive Nuisance.** 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.
5. **Motor Vehicle Deposits.** The owning, driving, or moving upon private property 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 Ordinance Enforcement Officer to be in the public interest, he/she may grant persons temporary exemptions from the provisions of this subsection conditioned upon cleaning and correcting the violating condition as specified by the Township Ordinance Enforcement Officer 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.
6. **Unlawful Livestock and Pets.** The keeping of horses, exotic animals, insects, livestock, or other animals unless expressly permitted by law or the failure to keep horses, livestock, exotic animals, insects, domestic pets, or other animals within sufficient fences, barricades, or restraints to keep such animals from entering the public way or the property of another.
7. **Airtight Containers.** 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 airtight 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 airtight container.
8. **Junk and Abandoned Vehicles.** Abandoning, leaving, keeping, or maintaining a junk or abandoned vehicle as defined in this Ordinance outside of an enclosed building subject to the following exceptions:
 - a. On platted subdivision lots or parcels of property of one acre or less, one unlicensed motor vehicle, with all main component parts attached, may be stored on a property subject to the following conditions:
 - i. Such vehicle: (1) is not be stored within ten (10) feet of any sideline or back line of the property if screened by a fence of at least five (5) feet tall and twenty (20) feet long or other landscaping to reasonably screen the vehicle from the public's view; OR (2) is stored behind a residence or behind a barn or shed, so that it is screened from the public's view; and
 - b. On parcels of property of more than one acre, up to two unlicensed motor vehicles, with all main component parts attached, may be stored on the property subject to the following conditions:

- i. Such vehicles: (1) are not be stored within ten (10) feet of any sideline or back line of the property if screened by a fence of at least five (5) feet tall and twenty (20) feet long or other landscaping to reasonably screen the vehicle from the public's view; OR (2) are stored behind a residence or behind a barn or shed, so that it is screened from the public's view; and
9. **Dumping.** Knowingly, and without the consent of the Township or the owner of private property in the Township; dumping, depositing, placing, throwing, or causing or permitting the dumping, depositing, placing, throwing, or leaving of litter, trash, or junk on public or private property within the Township other than property designated and set aside for such purpose. The registered owner or lessee of a vehicle from which litter is thrown, dropped, dumped, deposited, placed or left is presumed to be the person responsible for littering.
10. **Uncovered Well, Cistern, or Pit.** Any well, cistern, pit, excavation, trench, hole, shaft, bunker, or any other recess in the ground that could pose a danger to public health, which is not sufficiently covered or fenced in to prevent access, fall, or injury.
11. **Stagnant or Putrid Water.** Any hole, shaft, pit, trench, or non-natural opening in the ground that is not filled with dirt, sufficiently covered, or fenced in to prevent the accumulation of stagnant or putrid water.
12. **Unoccupied Building or Structure.** Any unoccupied building or structure that is unguarded or open at any door, window, or any other point allowing ingress, unless the points of ingress are sufficiently locked, boarded, or otherwise obstructed to prevent ingress into the unoccupied building or structure.
13. **Obstructions to Emergency Infrastructure.** Any land, building, or structure that causes any obstruction, hinderance, or a reasonable expectation of interference with any fire, police, or ambulance protective equipment or infrastructure.
14. **Disposal of Waste and Sewage.** Any dwelling that does not have adequate facilities for disposal of inorganic or organic waste, or sewage.
15. **Access to Clean Water.** Any dwelling that does not have a sufficient source of clean water that could sustain the needs of the residents on the premises.
16. **Feral Animals.** Any dwelling, or portion of a dwelling or premises, that is conducive to harboring or breeding rats, rodents, vermin, or any other stray or feral animals.
17. **Structural Damage and Physical Deterioration.** Any building or structure, or portion of a building or structure, that has structural damage caused by natural disaster, erosion, fire, flood, vandalism, lack of maintenance, physical deterioration, dilapidation, or any other intentional damage or neglect, and the structure or building is no longer reasonably or safely useful for its intended use, which includes, but is not limited to, broken windows, exposed or broken glass, exposed metal, exposed electrical wiring, physically deteriorated

foundation, or any other condition that would make a structure no longer reasonably or safely useful for its intended use.

18. **Partially Complete Construction.** Any building or structure, or portion of a building or structure, that is partially complete, unless it is in the process of active construction to be completed in a reasonable amount of time and has the requisite land use and building permits required for the construction.
19. **Dangerous Buildings or Structures.** Any building or structure, or portion of a building or structure, that constitutes a fire hazard or is dangerous to human life for any other reason.
20. **Structures Beyond Repair.** Any building or structure, or portion of a building or structure, that is in violation of this Ordinance and that cannot be repaired, rehabilitated, or completed at a cost less than its state equalized value.

SECTION 4: PENALTIES AND ENFORCEMENT.

1. **Penalties, Abatement Costs.** Whenever any public nuisance described in Sections 2 or 3 shall: (1) exist upon Township property or upon the property of another municipal corporation within the boundaries of the Township; or (2) pose an immediate threat to the public health, safety, and welfare, such public nuisance may be abated by any person or entity authorized by the Township Board and the Township may seek costs of abatement against the person(s) or entity(ies) responsible for such nuisance in any court of competent jurisdiction.
2. **Penalties, Civil Infractions and Other Relief.** Any person or other entity who causes or permits to continue a public nuisance as prohibited by the Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00, plus costs and attorneys fees, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation. A violator of this Ordinance shall also be subject to such additional legal actions, sanctions, remedies, and judicial orders as are authorized under Michigan law including seeking injunctive relief or misdemeanor prosecution. Each day a violation of this Ordinance continues to exist constitutes a separate violation. The imposition of any sentence shall not exempt this offender from compliance with the provisions of the Ordinance.
3. **Enforcement.** This Ordinance may be enforced by any person or entity authorized by the Waterloo Township Board including, but not limited to, a Township Ordinance Enforcement Officer, the Township Zoning Administrator, and/or the Jackson County Sheriff's Department. Further, Ordinance references authorizing a certain Township official or employee (e.g., Township Ordinance Enforcement Officer) to complete a permitted activity in this Ordinance shall be deemed to allow completion of such activities by any qualified individual authorized by the Township Board.

SECTION 5: SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is hereafter declared void or

unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

SECTION 6: REPEAL. The Waterloo Township Anti-Blight and Anti-Nuisance Ordinance, Ordinance Number 89-08-24-2, and all ordinances or parts of ordinances in conflict herewith are hereby repealed, provided that this Ordinance shall not be construed to repeal expressly or by implication any provision of the Township Zoning Ordinance.

SECTION 7: EFFECTIVE DATE. This Ordinance shall take effect 30 days after publication of a notice of adoption as required by law.

Roll Call Vote:

YEAS: Kitley, Lance, Beck, McAlister, Walt

NAYS: NONE

ABSENT/ABSTAIN: NONE

ORDINANCE DECLARED ADOPTED.

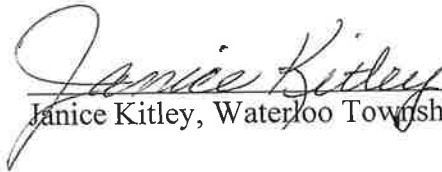

Douglas Lance, Waterloo Township Supervisor

CERTIFICATION

STATE OF MICHIGAN)
) ss
COUNTY OF JACKSON)

I, Janice Kitley, Clerk of Waterloo Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 23-02-28-1 adopted by the Waterloo Township Board on February 28, 2023. A Notice of Adoption was duly published in the Stockbridge Community newspaper, a newspaper that circulates within Waterloo Township, on March 28, 2023. Within one (1) week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted. I filed an attested copy of the Ordinance with the Jackson County Clerk on March 28, 2023.

Attested:



Janice Kitley, Waterloo Township Clerk

**WATERLOO TOWNSHIP, JACKSON COUNTY, MICHIGAN
ANTI-BLIGHT AND ANTI-NUISANCE ORDINANCE NO. 23-02-28-1
NOTICE OF ADOPTION**

Please take notice that on February 28, 2023, the Township Board of Waterloo Township adopted Ordinance No.23-02-28-1, an ordinance, which amongst other things, prohibits and defines nuisances including blight, repeals prior ordinances prohibiting nuisances, and outlines penalties for ordinance violations. Copies of the Ordinance may be obtained from Janice Kitley, Waterloo Township Clerk, at 9773 Mt Hope Road, Munith, Michigan 49259 during ordinary business hours.

The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Definitions; Section 3: Public Nuisances *Per Se*; Section 4: Penalties and Enforcement; Section 5: Severability; Section 6: Repeal; and Section 7: Effective Date, which is, thirty (30) days after notice of its adoption is published in this local newspaper.

Published by Order of the Township Board
Waterloo Township, Jackson County, Michigan
Janice Kitley, Township Clerk
(517) 596-8400

Publication Date: March 28, 2023.