

TOWNSHIP OF WATERLOO

ORDINANCE NO 89-08-24-2

ANTI-BLIGHT AND ANTI-NUISANCE ORDINANCE

An ordinance enacted pursuant to the authority of Act 246 of the Public Acts of 1945, as amended, and Act 191 of the Public Acts of 1939, as amended, to prevent, reduce and eliminate blight, blighting factors and nuisances and potential blight, blighting factors and nuisances in Waterloo Township; to preserve, promote and protect the health, safety and general welfare of the persons and property within the Township; to provide for the enforcement hereof; and to provide penalties for the violation hereof.

The Township of Waterloo, County of Jackson, State of Michigan ordains:

Section 1.0 TITLE

This Ordinance shall be known and cited as the Waterloo Township Anti-Blight and Anti-Nuisance Ordinance, and it shall be sufficient to any action for enforcement of the provisions hereof to define the same by such title and reference to the number hereof.

Section 2.0 PURPOSE

It is the purpose of this Section to prevent, reduce and eliminate blight, blighting factors and nuisances and potential blight, blighting factors and nuisances in the Township by preventing or eliminating certain conditions and uses of land and buildings and structures in the Township which cause blight or nuisance and which conditions and uses may now exist or may in the future exist within the Township.

Section 3.0 BLIGHT, BLIGHTING FACTORS, NUISANCES AND CAUSES THEREOF PROHIBITED

All blight, blighting factors, nuisances and causes thereof, as defined herein, are prohibited upon all property in the Township and shall constitute illegal uses to be abated and nuisances per se. No owner, occupant or other person shall permit any such uses to exist upon any property in the Township.

Section 4.0 BLIGHT, BLIGHTING FACTORS, NUISANCES AND CAUSES THEREOF

The following conditions and uses of land, building and structures are determined to be blight, blighting factors, or nuisances, or causes thereof, which will result in blighted and undesirable neighborhoods or which will result in public nuisances unless abated:

- A. The keeping, maintaining, or storage of a junk motor vehicle outside of a totally enclosed building. A junk motor vehicle is defined as including, but not limited to, any motor vehicle which is not licensed for use upon the highways of the State of Michigan or, whether or not licensed, not operable on a public highway for any reason. However, this provision shall not apply to such keeping, maintaining or storage of a motor vehicle if it occurs in an area where it is specifically allowed by the township zoning ordinance as part of an allowed commercial operation.
- B. The keeping, maintaining, accumulating or storage of junk, trash or litter except in an enclosed building unless otherwise stated herein. Junk, trash and/or litter is defined as including:
  - 1. Building materials, unless there are in force valid land use and building permits with respect to construction taking place upon the property and the materials are intended for use in such construction. Building materials are defined as including, but not necessarily limited to, lumber, bricks, concrete or cinder blocks, plumbing pipe and material, electrical wiring and equipment, heating ducts and equipment, shingles, mortar, concrete, cement, nails, screws, windows, glass and any other substance or material used in the construction of buildings.
  - 2. Parts of machinery or motor vehicles.
  - 3. Remnants of wood, other than that which constitutes building material or is cut and stacked for heating use.
  - 4. Unused, abandoned, or discarded stoves, refrigerators, televisions and other appliances.
  - 5. Old scrap material of every kind, such as, but not necessarily limited to, copper, brass, rope, rags, batteries, paper, boxes, rubber, iron, steel, metal shavings, metal scrap or scrap metal in any other form.
  - 6. Broken glass or any other dangerous pointed or edged substances.
  - 7. Refuse, garbage, waste, dead animals, accumulations of ashes, branches, leaves or yard clippings or any noxious material whether or not kept in an enclosed building.
- C. The keeping of any abandoned, unattended or discarded icebox, refrigerator or container of any kind and size which is sufficient to permit the entrapment of a child therein.
- D. Any well or cistern which is not sufficiently covered so as to prevent access thereto by any person or which is not fenced with a good and substantial fence of a height of not less than four (4) feet.

- E. Any hole, excavation or partially constructed basement which is not sufficiently covered so as to prevent access thereto by any person or is not fenced with a good and substantial fence to a height of not less than four (4) feet where the same is for the purpose of ongoing construction of a building or structure pursuant to valid land use and building permits and where more than sixty (60) days has elapsed from the date of the commencement of digging or excavation.
- F. Any hole, shaft, pit, trench or other non-natural opening in the ground which is not filled in with dirt or sufficiently covered so as to prevent access thereto by any person or fenced with a good and substantial fence to a height of not less than four (4) feet and any such opening, even if fenced, which is allowed to accumulate stagnant or putrid water.
- G. Any building or structure, or portion thereof, which is unoccupied and which is unguarded or open at any door or window or any other portal or opening permitting ingress, its windows to be glazed and locked or boarded up and its doors to be locked or boarded up to prevent ingress and all other portals to be boarded up to prevent ingress.
- H. Any land, building or structure which has thereupon any obstruction or hinderance of any sort which would be reasonably expected to interfere with the efficiency and use of any fire, ambulance or police protection equipment, either upon or around that, or any other, land, building or structure.
- I. Any dwelling which does not have adequate facilities for the disposal of human excreta or other sewage.
- J. Any dwelling which does not have available therein, or upon its premises, a sufficient source of clean water which could be reasonably expected to meet the needs of persons residing thereat.
- K. Any dwelling or portion thereof, which is conducive to the harboring or breeding of rats, rodents or vermin.
- L. Any building or structure, or portion thereof, which by reason of structural damage caused by fire, explosion, wind, rain or other natural disaster or by reason of vandalism or other intentional damage or by reason of neglect, lack of maintenance, obsolescence, physical deterioration, dilapidation and the like is no longer reasonably and safely useful for any purpose for which it was originally intended.
- M. Any building or structure, or any portion thereof, which is partially completed, unless it is in the process of construction and/or completion pursuant to valid land use and building permits.

- N. Any building or structure, or any portion thereof, which constitutes a fire hazard or is dangerous to human life for any other reason not specifically listed herein.
- O. Any building or structure, or any portion thereof, which due to any one or more, of the aforesaid conditions cannot be repaired, rehabilitated or completed, so as to abate its violation of this Ordinance, at a cost less than its state equalized value.

Section 5.0 ENFORCEMENT PROCEDURES IN LIEU OF CRIMINAL OR CIVIL JUDICIAL  
ACTION

- 5.1 Whenever any alleged violation of this Ordinance shall come to the attention of the Township Zoning Administrator (hereinafter referred to as administrator), the administrator may cause an investigation of said allegation to be made, such investigation to include an inspection of the alleged violation site by the administrator, and if such investigation and inspection verifies that a violation of this Ordinance is occurring, the administrator may forthwith thereafter prepare a written notice in form approved by the Township Board, such notice to have a copy of this Ordinance attached to it and such notice to include the following information:
  - A. The date of the inspection of the violation site.
  - B. The name or names of the individual or individuals having made the inspection.
  - C. A statement of each section of this Ordinance with respect to which there is alleged to be a violation and, with respect to each section, a statement of the facts upon which the administrator bases the conclusion that a violation is occurring.
  - D. A statement, referenced to each section alleged as being violated, of the specific remedial actions which, if taken, will be deemed to effect a correction or abatement of the violation alleged.
  - E. A statement of the date by which the actions required to be taken to correct or abate the alleged violation must be taken, such date to be not less than fourteen (14) days, but not to exceed thirty (30) days, from the date upon which the notice is served as provided for herein.
  - F. Notice that the administrator's determination may be appealed to the Township Board by written appeal delivered within fourteen (14) days of the date of service of this notice to the Clerk for Waterloo Township.

G. A statement that a copy of this Ordinance is attached to the notice.

5.2 The notice required in the preceding section shall be directed to and served upon the owner or directed to and served upon the occupant if different than the owner of the premises upon which a violation is alleged to be occurring, and service shall be as follows:

- A. To any person to whom the notice is directed who is a resident of Waterloo Township, by personally calling upon said person at his or her residence for the purpose of personally delivering a copy of the notice to said person. The date of service shall be deemed to be the date of personal service of the notice.
- B. If a person to whom the notice is directed is not a resident of Waterloo Township or, if a resident, was not located when personally called upon at his or her residence for the purpose of personally delivering a copy of the notice, by delivering a copy of the notice by certified mail, return receipt requested, to the person at his or her last known post office address. The date of service shall be deemed to be the date of the person signing for receipt of the notice.
- C. If a person to whom the notice is directed cannot be served by either of the immediately preceding methods, the notice shall be posted on the premises upon which the violation of this Ordinance is alleged to be occurring by securely attaching it to the front door of any dwelling upon the premises and upon one other door of the dwelling if there is another door or, if there be no dwelling upon the premises, then by securely attaching a copy of the notice upon or at the main entrance to any other building or structure upon the premises, and if there be more than two (2) such buildings or structures upon the premises, by securely attaching a copy of the notice to two (2) such buildings or structures upon or at the main entrances thereto. The date of service shall be deemed to be the date of the posting of the notice.
- D. If a person to whom the notice is directed cannot be served by one of the immediately preceding methods, the notice shall be published in a newspaper published in and circulated in the Township once each week for two (2) successive weeks, the last publication to be made at least fourteen (14) days before the date for remedial action specified in the notice. The date of service shall be deemed to be the date of the second publication of the notice.

- E. In the event that notice is given by any of the methods provided for in Section 6.2 B, C or D, the date required for remedial action shall be amended so as to provide the owner or occupant (as the case may be) the time for compliance as required by Section 6.1 E.
  - F. A copy of the notice shall be delivered to the office of the Waterloo Township Supervisor.
- 5.3. In the event that a person to whom the notice is directed appeals the notice as provided for herein, or action has not been taken as required by said notice to correct and abate the violations alleged therein within the time specified in said notice, the Township Board shall set a date for a hearing before the Township Board at which hearing a determination shall be made by the Township Board as to whether any violation of this Ordinance is occurring upon the premises in question and, if so, what enforcement action shall be taken to correct and abate such violation. In such case, the Township Board shall cause a notice of hearing to be prepared and shall be served according to the terms and provisions applicable to service of the notice required by Section 6.2, such notice to be served not less than ten (10) days prior to the hearing to be set and said notice of hearing to be attached to it a copy of the notice required by Section 6.2 and such notice of hearing to provide the following information:
- A. The date, time and place of hearing.
  - B. A statement that the original notice required by Section 6.2 is attached to the notice of hearing (including a copy of this Ordinance) setting forth the sections alleged to be violated and setting forth the factual allegations in support thereof and setting forth the actions required to be taken to correct or abate the alleged violation.
  - C. A statement that the person shall have the right at the hearing to:
    - 1. Question or cross-examine any and all persons who give evidence against him or her with respect to the alleged violation of this Ordinance.
    - 2. To produce witnesses on his or her behalf and to question such witnesses or otherwise have them give evidence in his or her support.
    - 3. The right to present any other evidence, in addition to witnesses, which he or she may desire to present.

- 5.4 In the event that, at the hearing, the Township Board determines that a violation of this Ordinance exists, the Board shall:
- A. Determine what remedial actions are necessary to effectuate compliance with this Ordinance and to correct and abate the violation thereof.
  - B. Determine the ability of the owner or occupant (as the case may be) to effectuate such remedial action.
  - C. Determine a date certain by which such actions must be effectuated if it is determined that there is or will be an ability to do so.
  - D. In the event that the owner of the premises or occupant (as the case may be) demonstrates that he or she cannot or will not effectuate the necessary remedial actions to correct and abate the violation of this Ordinance either by effectuating said remedial actions within the time limits set by the Board, or otherwise, then the Board may, by resolution, cause said remedial actions to be taken at the Township's expense, the cost thereof, including attorney fees and court costs if court action results, to be assessed against the premises in question in the same manner and form as a special assessment against the property and the same shall constitute a lien thereon in favor of the Township.
- 5.5 In no event shall the Board require any building or structure or partially completed structure to be destroyed or removed from the premises unless the cost of repair or completion, as the case may be, of the same would be greater than 50% of its value.
- 5.6 Nothing in this Ordinance shall prohibit or be construed to prohibit the Township of Waterloo from proceeding in a court of competent jurisdiction to cause a violation of this Ordinance to be abated, nor to charge any violation of this Ordinance as a misdemeanor as provided for herein.

Section 6.0 MISDEMEANOR: PENALTY

Any person who shall violate any of the terms of this Ordinance shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor and be subject to a fine of not more than Five Hundred Dollars (\$500) or to imprisonment for a period of not more than ninety (90) days, or both, plus costs of prosecution.

Section 7.0 RIGHT TO AMEND

The Township of Waterloo specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same.

Section 8.0 SEVERABILITY

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

Section 9.0 EFFECTIVE DATE

This Ordinance will become effective thirty days after the first publication in the Stockbridge Town Crier. This Ordinance was adopted on the 18 day of July, 1989 by the Waterloo Township Board at a meeting duly scheduled for the conduct of Township business.

Roll Call Vote: Ayes; Maltby, Sweet, Huttenlocher, Beeman and  
Krummery. Nays; none