

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF POSTING OF ORDINANCE ADOPTION

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that on February 26, 2019, at a regular meeting of the Township Board of the Charter Township of Oshtemo, Kalamazoo County, Michigan, the Township Board adopted Ordinance No. 609, Nuisance Ordinance, and in accordance with Board policy, has determined the method of publication of its Ordinances will be by posting the Ordinance in the Office of the Township Clerk and on the Township's web page.

In accordance with the Board's policy, a proposed Ordinance has been adopted by the Board which defines nuisances affecting both persons and properties and a means to abate nuisances through fines or court action to protect the peace, safety and welfare of persons and properties within the Township.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Ordinance has been posted for public inspection at the Township Hall located at 7275 West Main Street, Kalamazoo, Michigan, 49009, and on the Township's web page of www.oshtemo.org

PLEASE TAKE FURTHER NOTICE that said Ordinance will take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, Clerk
Oshtemo Charter Township Hall
7275 West Main Street
Kalamazoo, MI 49009
Telephone: (269) 375-4260

CHARTER TOWNSHIP OF OSHTEMO ORDINANCE NO. 609
NUISANCE ORDINANCE

Adopted: February 26, 2019

Effective: March 7, 2019

An Ordinance is to preserve the peace, welfare, order, health, and safety of persons and property within Oshtemo Charter Township; to prescribe a penalty for the violation of the provisions thereof; and to repeal existing Ordinances, or parts of Ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN,
ORDAINS:

SECTION I. NAME.

This Ordinance shall be known and cited as the “Oshtemo Charter Township Nuisance Ordinance.”

SECTION II. PURPOSE.

The purpose of this Ordinance is to preserve the peace, welfare, order, health and safety of persons and property within Oshtemo Charter Township by the prevention or elimination of certain environmental causes of nuisance, which exist, or may in the future exist, in the Township.

SECTION III. DEFINITIONS.

- A. The term "persons" or "person" shall be read to refer to: any natural person; corporations, partnerships, or associations; and corporate officers and officials existing under, or authorized to exist under, the laws of the State of Michigan, any other state, or any foreign country.

B. The term "nuisance" shall be read to refer to any act, acts, or omission to act on the part of any person which create or permit the existence of a situation which annoys, injures, or endangers the peace, welfare, order, health and/or safety of the public in their persons or property. The term "nuisance" shall be read to include, but not be limited to:

1. Conditions which render persons insecure in life or in the use and enjoyment of their property (i.e. effects and emanations from noise, glare, lights, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, or decaying matter), whether such effects and emanations are natural, or result from human and/or mechanical alteration or manipulation of materials; also including unsafe site conditions such as open, unbarricaded excavation and abandoned swimming pools.
2. Residues or leaching from deposits of matter which seep into water on the surface or in the ground thereby making it unfit or unpalatable for human consumption, or for use by domestic animals;
3. Any condition which is indecent, obnoxious, or offensive to the senses.

C. The term "abate" or "abatement" shall be read to refer to: the demolition, removal, repair, maintenance, construction, reconstruction, replacement and/or reconditioning of structures, appliances, appurtenances or equipment; the removal, transportation, disposal and treatment of refuse, manure, or other substance capable of causing obnoxious odors, attracting, or breeding, flies; and the application of chemicals, insecticides, other substances, or use of mechanical means to control, eradicate, and eliminate the nuisance condition(s).

SECTION IV. ABATEMENT OF NUISANCE PENALTIES.

It is the duty of the person who creates, causes, allows, suffers, or permits the existence of a nuisance to abate the same, in compliance with the provisions below:

- A. A notice to abate the nuisance. Whenever a nuisance condition described above shall exist on a private premises within the Township, the Ordinance Enforcement Officer shall give notice in writing, in person, by posting or by first class mail addressed to the owner or occupant of record of the property where the nuisance exists or to the person(s) otherwise responsible for the nuisance condition. The notice shall specify the location and nature of the public nuisance, and shall indicate that such owner, occupant, or person otherwise responsible is required to abate or otherwise remove the nuisance condition within 14 days of the mailing of the notice. The Notice shall further state that if the nuisance condition is not abated or otherwise removed, the Township Ordinance Enforcement Officer shall charge the owner or occupant as specified herein. If the actual owner or occupant of the premises is unknown, or cannot be located through reasonable means, notice may be given by posting a copy upon a conspicuous part of the property where the nuisance is located, or by mailing a copy by first class mail to the owner or party of interest at the address shown in the Township tax records at least 14 days before further action by the Township will occur.
- B. Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a municipal civil infraction.
- C. Upon determination of responsibility, the person, corporation, firm or other entity shall pay a fine according to the following schedule:

	<u>Minimum Fine</u>
First Offense	\$ 75.00
Second Offense within three years of first offense	\$ 150.00
Third Offense within three-year period	\$ 325.00
Fourth and each subsequent offense within three-year period are each	\$ 500.00

Each day during which a violation continues shall be deemed a separate offense. The imposition, and Township collection, of a fine shall not exempt an offender from compliance with the provisions of this Ordinance.

SECTION V. ENFORCEMENT.

The Township Ordinance Enforcement Officer is hereby authorized to enforce this Ordinance in accordance with the terms herein. Nothing contained within the construction of this Ordinance shall be construed as preventing the Township Board, a public official, or private citizen from taking such lawful action as is necessary to restrain, or prevent, any violation of this Ordinance.

The Township may seek abatement of a nuisance, and such other relief as may be obtained by civil proceedings in court, in addition to the fines listed under Section IV (C) of this Ordinance. If a determination is made by a court having jurisdiction over this matter, the court may impose fines as provided for by law in addition to the fines imposed by the Township in accordance with the schedule listed under Section IV of this Ordinance.

SECTION VI. VALIDITY.

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part or portion thereof so declared to be invalid.

SECTION VII. REPEAL.

All Ordinances or parts of Ordinances in conflict with any provisions of this Ordinance are hereby repealed.

SECTION VIII. EFFECTIVE DATE.

This Ordinance shall take effect upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP