

**HAYES TOWNSHIP
CLARE COUNTY, MICHIGAN**

HAYES TOWNSHIP ANTI-NUISANCE AND BLIGHT ELIMINATION ORDINANCE

Ordinance No. 21-02

At a meeting of the Hayes Township Board, Clare County, Michigan, held at the Hayes Township Municipal Complex on February 8, 2022, at 1:00 p.m., Board Member Hoyt moved to adopt the following Ordinance, whose motion was seconded by Board Member Rood:

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 Hayes Township, Clare 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 HAYES, CLARE COUNTY, MICHIGAN, ORDAINS:

SECTION 1: TITLE. This Ordinance shall be known and cited as the Hayes Township Anti-Nuisance and Blight Elimination 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a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant of the property has been revoked.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. **"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.
3. **"Building Materials"** means, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws, or any material used directly or indirectly in constructing any structure.
4. **"Junk"** means, without limitation, parts of machinery or motor vehicles, broken or unusable furniture, appliances, remnants of wood, metal 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.

5. **"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.
6. **"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.
7. **"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.
8. **"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, 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, 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.
2. **Blight.** Keeping or maintaining, or permitting to be kept or maintained, any blighted structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons, or unless such structure is in the course of construction in accordance with a valid building permit issued by the Clare County Building Department or applicable entity, and unless such construction 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 Hayes Township and a valid building permit issued by the Clare County 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 exemption 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 or livestock unless expressly permitted by law or the failure to keep horses, livestock, or domestic pets 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 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
 - ii. Such vehicle is not stored within 100 feet of any lake within the Township.
 - 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
 - ii. Such vehicles are not stored within 100 feet of any lake within the Township.
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 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.

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 attorney 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 sanctions, remedies, and judicial orders as are authorized under Michigan law including seeking injunctive relief. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
3. **Enforcement.** This Ordinance may be enforced by any person or entity authorized by the Hayes Township Board including, but not limited to, an Ordinance Enforcement Officer, the Clare County Sheriff's Department, and/or Clare County Department of Community Services.

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 Hayes Township Public Nuisances Ordinance, Ordinance Number 12-08, the Hayes Township Nuisance Ordinance, Ordinance No.12-02, 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.

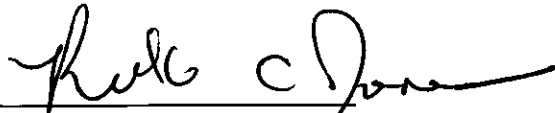
Roll Call Vote:

YEAS: Jones, Buckley, Rood, Willett, Hoyt

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.



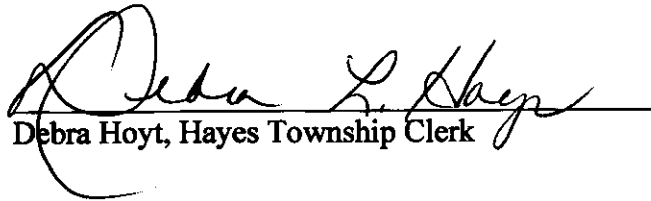
Rick Jones, Hayes Township Supervisor

CERTIFICATION

STATE OF MICHIGAN)
) ss
COUNTY OF CLARE)

I, Debra Hoyt, Clerk of Hayes Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No.21-02, adopted by the Hayes Township Board on February 8, 2022. A Notice of Adoption was duly published in the Clare County Cleaver newspaper, a newspaper that circulates within Hayes Township, on February 17, 2022. 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 Clare County Clerk on February 28, 2022.

Attested:



Debra L. Hoyt
Debra Hoyt, Hayes Township Clerk