

ORDINANCE NO. 1 - TOWNSHIP OF BARODA, BERRIEN COUNTY, MICHIGAN

TOWNSHIP OF BARODA NUISANCE ORDINANCE

An Ordinance to prevent the creation and maintenance of nuisances; to preserve the public health, to provide fire protection, to protect public safety, to preserve and protect property values, to eliminate blight and neighborhood deterioration, to protect public morals and decency, to promote good government, general welfare and the comfort and repose of the public by regulating matters pertaining to nuisances.

The Township of Baroda, Berrien County, Michigan, Ordains:

Section 1. Nuisances Defined and Prohibited.

A. Nuisances Defined: A nuisance shall be deemed whatever annoys, injures or endangers the safety, health, comfort, repose or tranquility of the public; offends public decency; interferes with or obstructs and renders dangerous any street, highway, lake or stream; or in any way renders the public insecure in life or property. All such conditions are hereby declared to be a public nuisance.

B. Nuisances Prohibited: It is hereby declared to be unlawful for any owner, land contract vendee or occupant of any premises to maintain a public nuisance on either public or private property anywhere in the Township of Baroda. The Township Board and the duly authorized attorney for the Township of Baroda may prosecute violators under the provisions of this Ordinance; order the abatement of such nuisance and for failure to comply with such order, after a public hearing thereon, the Township of Baroda may cause the nuisance to be removed and assess the costs thereof against the owner, vendee or occupant of the premises; or proceed in any court of competent jurisdiction for an injunction, mandamus, abatement or any other appropriate action for the enforcement of this Ordinance. The following acts, equipments, apparatus and structures are hereby declared to be a nuisance per se, however, this enumeration shall not be deemed to be exclusive:

(a) Barking dogs--unnecessary noises: It shall be unlawful to permit, in the Township of Baroda, any dog to continue any loud, incessant and unnecessary barking, which either annoys or disturbs the peace, comfort and repose of the neighborhood, or keep any animal or fowl which by causing frequent or long-continued noise shall disturb the comfort or repose of any persons in the vicinity; the making or causing of such disturbance or any other loud, unusual and unnecessary noise is declared to be a public nuisance.

(b) Storing Vehicles: The storing or parking of any motor vehicle, body or chassis or a motor vehicle, not bearing a currently valid motor vehicle license registration plate, in any district is hereby declared to be a nuisance and prohibited, unless such vehicle, body or chassis is enclosed in a building or other enclosure so as not to be visible from surrounding property, and the owner or occupant of any property upon which storage or parking exists shall be deemed to have permitted the same. Provided, how-

ever, that such vehicles may be kept in commercial zones on the lots of dealers regularly engaged in the sale of new or used vehicles, and may also be stored for a reasonable time on lots in such zone by those places of business regularly engaged in body and vehicle repairs.

(c) Owners and Occupants Responsible for Premises Being Kept Clean: All persons who own, manage, lease, rent or occupy any premises whatsoever shall be equally responsible for keeping said premises in a clean and habitable condition and shall take all necessary precautions to prevent any nuisance as herein declared, or condition detrimental to public health from arising thereon, and particularly to take all reasonable precautions to prevent the throwing, placing, depositing or leaving on any street, highway, alley, public place, or in any private place or premises any garbage, refuse, papers, tin cans, bottles, glass, rubbish, ashes, junk, inoperable machinery, or abandoned household goods or effects, where such throwing, placing or depositing is likely to be dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects or rodents. The burning of garbage in open barrels, containers or enclosures is expressly prohibited, except that garbage may be burned in regular commercially designed incinerators, fired by gas, electricity or other fuels to insure the complete and odorless consumption of all such garbage. Every person shall comply with such rules and regulations for the storage, collection and pick-up of garbage as may be established and published by the Township Board from time to time.

(d) Littering of Streets, Parks and Playgrounds: The littering of public streets, alleys, roadways, parking areas, playgrounds, school and church yards, cemeteries, parks, beaches, camping areas or other public places is hereby expressly prohibited. No person or persons shall throw, place, deposit or leave any garbage, refuse, papers, tin cans, bottles, glass, rubbish, ashes, junk, unoperable machinery or abandoned household goods or effects in any of the aforementioned places or in any public place, except in a duly designated public dumping ground or in trash containers expressly provided for that purpose.

(e) Smoke, Soot, Cinders, Noxious Acids, Fumes, Fly-ash, and Gases Prohibited: No person, firm or corporation shall permit or cause the escape of such quantities of smoke, soot, cinders, noxious acids, fly-ash, fumes and gases in such places or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public or in such manner as to cause or have a tendency to cause injury or damage to property or business.

(f) Blocking of Streets or Sidewalks: Any use of the public streets or sidewalks which causes large crowds to gather or obstructs the free use of the streets or sidewalks, without first obtaining a permit from the Township Board, shall be deemed a

public nuisance.

(g) Dangerous or Damaged Structures, excavations, Stagnant Ponds or Pools of Water: All buildings, walls and other structures which have been damaged by fire, decay or otherwise, all excavations remaining unfilled or uncovered for a period of thirty (30) days or longer and all ponds and pools of stagnant water which are situated so as to endanger the safety of the public and to attract or endanger children are deemed to be a public nuisance. Farm Ponds are exempt.

(h) Open Storage: The open storage of building materials, supplies, construction machinery and equipment of any kind or sort whatsoever on any occupied or unoccupied lot in a residential zone is prohibited, except as may be permitted during a specified construction period as shown by a valid and existing building permit for the erection, alteration or repair of a building on the site where such materials and equipment are stored. The open storage of goods, supplies, furnishings, furniture, except for lawn or patio furniture during the season, household equipment or household goods and effects of whatever kind is also declared to be a nuisance and expressly prohibited on any occupied or unoccupied lot in the residential zone.

(i) Unfinished Buildings or Structures: It shall be unlawful to permit any unfinished building or structure for which a certificate of occupancy and compliance has not been given wherein construction, alteration or repair was begun in an unauthorized manner or where such structures were moved upon the premises to stand unfinished and uncompleted where such use shall constitute a menace to public health and safety or create an unreasonable deduction from the quality of the neighborhood so as to result in blight, deterioration and the depressing of property values in the district.

(j) Owner To Keep Dwelling in Habitable Condition: Every building, dwelling or structure, including garages and outbuildings shall be kept by the owner, land contract vendee or occupant thereof in a clean, neat sanitary, structurally sound and habitable condition in order to prevent the premises from becoming a nuisance. It shall be unlawful for any such owner, land contract vendee or occupant to allow a building to become abandoned and dilapidated or permit weeds or other vegetation to grow, and trash, rubbish and/or refuse to accumulate on the property. Such owner or occupant shall be responsible for maintaining suitable and safe means of ingress or egress, for preventing fire hazards, for adequate sanitary facilities on the premises, for preventing over-crowding and for providing proper ventilations and light. Whenever any such dwelling shall be deemed uninhabitable, or unusable as hereinafter provided, it shall thereupon be deemed a public nuisance.

(k) Vacant Commercial Buildings -- Duty to Maintain:

The owner, land contract vendee, or other person legally responsible shall have the duty to maintain any empty, unused or unrented commercial or industrial buildings in a neat, clean and structurally sound manner to prevent the premises from becoming a nuisance; such vacant buildings shall have all windows glazed or neatly boarded up and shall be kept securely locked at all times. It shall be the owner's responsibility to keep the building free from all signs and posters not specifically authorized by such owner.

(l) Other Nuisances: All other acts, equipment, apparatus or structures that may be deemed a nuisance by virtue of interference with public health, safety, morals and general welfare, or shall disturb the peace, comfort of tranquility of any person or the public; or interfere with the use, enjoyment and benefit of property so as to depress property values and result in blight and deterioration; or interfere with the normal conduct of business; shall be deemed a public nuisance. The abatement of all such nuisances may be ordered, as hereinafter provided.

Section 2. Procedures for Abatement of Nuisances.

A. Notice. Notice regarding the abatement of any nuisance prohibited by this Ordinance; the expense of which if performed by the Township of Baroda, may be assessed against the premises under the provisions of this Ordinance, shall be served:

(a) By delivering the notice to the owner, land contract vendee, occupant or other person legally responsible personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion; or

(b) By mailing said notice by certified or registered mail to the owner of record at his last known address; or

(c) If the owner is unknown, by posting said notice in some conspicuous place on the premises at least ten (10) days before the action concerning which the notice is given is required or is to occur.

B. Dangerous or Uninhabitable Structures -- Public Hearing.

1. Public Hearing: The Township Board may, after investigation and a report and recommendation made by either the Township Building Inspector, Fire Chief, Township Health Office, County Sanitarian of Berrien County or any of all of such officials; and after notice to the owner or land contract vendee and after holding a public hearing thereon, condemn dangerous or uninhabitable structures by giving notice to the owner or land contract vendee of the land upon which such structure is located, specifying in what respects said structure is a public nuisance and requiring said owner to alter, repair, tear down or remove the same and clean up the site within such reasonable time, not exceeding ninety (90) days, as may be necessary to do so, or have done the work required by said notice. Such notice shall also provide a reasonable time within which such work shall be commenced.

2. Unlawful To Occupy Condemned Premises: It shall be unlawful for any person to occupy or use premises condemned by the Township Board until put into a safe, structurally sound, sanitary and habitable condition.

3. Abatement: If, at the expiration of the time limit in said notice relating to dangerous or uninhabitable structures, said owner or land contract vendee has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known or cannot be located after a diligent search, the Township Board may order such nuisance abated either by the proper department of the Township or by contract with a private person qualified to do such work, and the cost of such abatement may be assessed against the lot, premises or description of real property upon which such hazard or nuisance was located.

C. Other Nuisances In General.

1. Notice shall be required, as provided by Section 2, Article A of this Ordinance, in all cases where the cost of abating the nuisance is to be assessed against the owner of the lot or premises where such nuisance is located for failure to comply with the notice and order of abatement.

2. No public hearing shall be required unless private property is to be condemned, razed and removed from the lot or premises upon which a public nuisance exists.

Section 3. Penalties For Violation.

A. Penalties. Any person who shall violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof, punished by a fine of not to exceed One Hundred Dollars (\$100.00) and the costs of prosecution; or in default of payment thereof, by imprisonment in the County jail for not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the Court. Each day that a violation of this Ordinance is permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

B. Other Procedures. The Township Board and the duly authorized attorney for the Township, or any owners of property affected by a public nuisance may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin or abate any unlawful nuisance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 4. Repeal of Conflicting Ordinances. All other Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed, except those that are held to be more restrictive.

Section 5. Validity. This Ordinance and the various parts, section, subsections, phrases and clauses are hereby declared to be severable. If any such part, section, or sub-section is declared unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 6.

This Ordinance was adopted on the 20th day of May, 1968, and shall become effective thereafter on the 1st day of July, 1968.

*Emil H. Vitz*  
Clerk, Township Board