

TOWNSHIP OF TUSCARORA
CHEBOYGAN COUNTY, MICHIGAN

ORDINANCE NO. 19D

AN ORDINANCE TO AMEND CHAPTERS 10, 90,91,92,11 AND 113 OF THE TOWNSHIP OF TUSCARORA CODE OF ORDINANCES PROVIDING FOR PENALTIES FOR THOSE PROVISIONS OF THE CODE DESIGNATED AS MUNICIPAL CIVIL INFRACTIONS, PROVIDE NOTICE REQUIREMENTS FOR CERTAIN NUISANCE VIOLATIONS, REVISE BLIGHT PROVISIONS, REPEAL LIQUOR LICENSE REQUIREMENTS AND REVISE DISORDERLY PERSON PROHIBITIONS AND FOR REPEAL, SEVERABILITY, PENALTIES AND EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWNSHIP OF TUSCARORA:

Section 1. Title 1, Chapter 10, Section 10.2 of the Code of Ordinances, Township of Tuscarora, Michigan shall be amended to add the following definitions and rules of construction in alphabetical order:

Authorized township official. The words "authorized township official" mean a police officer or other person employed by the township, who is legally authorized to issue municipal civil infraction citations.

Generally. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the township board may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language; but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

Civil infraction. The term "civil infraction" means an act or omission prohibited by law which is not a crime and for which civil sanctions may be ordered.

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows:

- (1) The term "and" indicates that all the connected terms, conditions, provisions, or events apply.**
- (2) The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.**
- (3) The term "either...or" indicates that the connected terms, conditions, provisions, or events apply singly but not in combination.**

Crime. The term "crime" means an act or omission forbidden by law that is not designated as a civil infraction and that is punishable upon conviction by any one or more of the following:

- (1) Imprisonment.**
- (2) Fine not designated a civil fine.**
- (3) Other penal discipline.**

Delegation of authority. A provision that authorizes or requires a township officer or township employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

Gender. Words of one gender include the other genders.

Highway. The term "highway" includes any street, alley, highway, avenue, public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway dedicated or devoted to public use.

Includes and including. The terms "includes" and "including" are terms of enlargement and not of limitation or exclusive enumeration, and the use of the terms does not create a presumption that components not expressed are excluded.

Joint authority. A grant of authority to three or more persons as a public body confers the authority on a majority of the number of members as fixed by statute or ordinance.

May. The term "may" is to be construed as being permissive and not mandatory.

May not. The term "may not" states a prohibition.

Month. The term "month" means a calendar month.

Municipal civil infraction. The words "municipal civil infraction" mean a civil infraction involving a violation of a township ordinance. Municipal civil infraction does not include a violation described in section 113 of the Act, being section 600.113(a) and 600.113(c) (i) through (vi) and (ix) of the Michigan Compiled Laws, as amended, or any act or omission that constitutes a crime and is punishable as a misdemeanor under this Code.

Must. The word "must" is to be construed as being mandatory.

Number. The singular includes the plural, and the plural includes the singular.

Oath, affirmation, sworn, affirmed. The term "oath" includes the term "affirmation" in all cases where an affirmation may be substituted for an oath. In similar cases, the term "sworn" includes the term "affirmed."

Officers, departments, etc. References to officers, departments, boards, commissions or employees are to township officers, township departments, township boards, township commissions and township employees.

Owner. The term "owner," as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property. With respect to special assessments, however, the owner shall be considered to be the person who appears on the assessment roll for the purpose of giving notice and billing.

Person. The term "person" means any individual, partnership, corporation, association, club, joint venture, estate, trust, limited liability company, governmental unit, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

Personal property. The term "personal property" means any property other than real property.

Preceding and following. The terms "preceding" and "following" mean next before and next after, respectively.

Premises. The term "premises," as applied to real property, includes land and structures.

Property. The term "property" means real and personal property.

Public acts. References to public acts are references to the Public Acts of Michigan. (For example, a reference to Public Act No. 279 of 1909 is a reference to Act No. 279 of the Public Acts of Michigan of 1909.) Any reference to a public act, whether by act number or by short title, is a reference to the act as amended.

Real property, real estate, land and lands. The terms "real property," "real estate," "land" and "lands" include lands, tenements and hereditaments.

Repeat offense. The words "repeat offense" mean a second (or subsequent) municipal civil infraction violation of the same requirement or provision of this ordinance committed by a person within any six-month period for which the person admits responsibility or is determined responsible.

Roadway. The term "roadway" means that portion of a street improved, designed or ordinarily used for vehicular traffic.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" means any portion of the street between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

Signature and subscription. The terms "signature" and "subscription" include a mark when the person cannot write.

State. The term "state" means the State of Michigan.

Street. The term "street" means any street, alley, highway, avenue, public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway dedicated or devoted to public use.

Swear. The term "swear" includes affirm.

Tenses. The present tense includes the past and future tenses. The future tense includes the present tense.

Township board, township board of trustees, board of trustees and board. The terms "township board of trustees," "township board," "board of trustees" and "board" mean the governing body of the Township of Tuscarora.

Week. The term "week" means seven consecutive days.

Written. The term "written" includes any representation of words, letters, symbols or figures.

Year. The term "year" means 12 consecutive months.

Section 2. Title 1, Chapter 10, Section 10.2 of the Code of Ordinances, Township of Tuscarora, Michigan shall be amended by deleting in its entirety the following definitions:

~~JUVENILE. A person under 17 years of age.~~

~~MINOR. A person under 21 years of age.~~

Section 3. Title 1, Chapter 10, Section 10.10 of the Code of Ordinances, Township of Tuscarora, Michigan shall be amended to read as follows:

The following public servants are hereby authorized to issue and serve appearance tickets **and municipal civil infraction citations** with respect to ordinances of the township, as provided by Public Act 147 of 1968, being M.C.L.A. §§ 764.9a through 764.9e, as amended, **and as authorized by Public Act 236 of 2011**, when the public servant has reasonable cause to believe that a person has committed an offense in violation of a township ordinance:

- (A) Building Inspector;
- (B) ~~(A)~~ Fire Marshal;
- ~~(C)~~ ~~(B)~~ Fire Chief;
- ~~(D)~~ ~~(C)~~ Supervisor; and
- ~~(E)~~ ~~(D)~~ Local police. **Tuscarora Township Police**

Section 4, Title 1, Chapter 10, Section 10.99 of the Code of Ordinances, Township of Tuscarora, Michigan shall be amended to read as follows:

GENERAL PENALTY.

(A) Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$500 and costs of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment; unless there is a fine or penalty specifically set forth in the ordinance which provides for a greater penalty, and in that event, such greater penalty shall control. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this code whether or not such penalty is re-enacted in the amendatory ordinance.

The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

Violations of this Code that are intermittent or ongoing are a nuisance per se and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or quasi-judicial enforcement.

(B) The sanction for a municipal civil infraction citation shall be a civil fine in the amount provided by this Code, plus any costs, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended and other applicable laws.

(1) Unless otherwise specifically provided by this Code, the fine for each municipal civil infraction violation shall be not less than \$100.00 or more than \$200.00.

(2). An increased fine may be imposed by the court for each repeat offense in accordance with the following:

a. The fine for any offense that is a first repeat offense shall be no less than \$250.00 nor more than \$400.00.

b. The fine for any second repeat offense or any subsequent repeat offense shall be no less than \$500.00.

(3) As set forth in the Revised Judicature Act of 1961, in an action for Municipal Civil Infractions, the district court may issue and enforce any judgment, writ, or order necessary to enforce the ordinance. The grant of equitable jurisdiction and authority to the district court under this subsection does not affect the jurisdiction of the circuit court to do either of the following:

- a. Hear and decide claims based on nuisance or abate nuisances under section MCL 600.2940.**

- b. Hear and decide actions challenging the validity or applicability of an ordinance and, in those actions, enjoin a defendant from enforcing the ordinance in the district court or in a municipal court pending the outcome of the action in circuit court (MCL 600.8302).

Section 5. Title 1, Chapter 11, Section 11. __ of the Code of Ordinances, Township of Tuscarora, Michigan shall be created to read as follows:

MUNICIPAL CIVIL INFRACTIONS

Sec. 11.01- Definitions.

In this Chapter, the following words shall have the meaning ascribed to them:

Act. Act means Public Act 236 of 1961.

Municipal civil infraction action. The words "municipal civil infraction action" mean a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

Municipal civil infraction citation. The words "municipal civil infraction citation" mean a written complaint or notice to appear in court upon which an authorized township official records the occurrence or existence of one or more municipal civil infractions by the person cited.

Repeat offense. The words "repeat offense" mean a second (or subsequent) municipal civil infraction of the same requirement or provision of this ordinance committed by a person within any six-month period for which the person admits responsibility or is determined responsible.

Sec. 11.02. - Municipal civil infraction action; commencement.

A municipal civil infraction action may be commenced upon the issuance by an authorized township official of (1) a municipal civil infraction citation directing the alleged violator to appear in court.

Sec. 11.03 - Municipal civil infraction citations; issuance and service.

Municipal civil infraction citations shall be issued and served by authorized township officials as follows:

(1) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

(2) The place for appearance specified in a citation shall be the district court.

(3) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the township and issued to the alleged violator as provided by Chapter 87 Section 8705 of the Act.

(4) A citation for a municipal civil infraction signed by an authorized township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under penalties of perjury that the statements above are true to the best of my information, knowledge and belief."

(5) An authorized township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

(6) An authorized township official may issue a citation to a person if:

a. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

b. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the township attorney approves in writing the issuance of the citation.

(7) Municipal civil infraction citations shall be served by an authorized township official as follows:

a. Except as provided by subsection (7)b, an authorized township official shall personally serve a copy of the citation upon the alleged violator.

b. If the municipal civil infraction involves the use or occupancy of land, a building or other structure, a copy of the citation does not need be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building or structure at the owner's last known address.

Sec. 11.04 - Municipal civil infraction citations; contents.

(a) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

(b) Further, the citation shall inform the alleged violator that he or she may do one of the following:

(1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

(2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

a. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the township.

b. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(c) The citation shall also inform the alleged violator of all of the following:

(1) If the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for a hearing, unless a hearing date is specified on the citation.

(2) If the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for a hearing, unless a hearing date is specified on the citation.

(3) A hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or township.

(4) At an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

(5) At a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

(d) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

Section 6. Title IX, Chapter 90, Sections 90.20 through 90.27 shall be deleted in its entirety.

Section 7. Title IX, Chapter 90, Section 90.99 shall be amended to read as follows:

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) If any person shall violate the provisions of § 90.01 through 90.07 or any part thereof he or she shall be deemed guilty of a misdemeanor and on conviction thereof, shall be punished by a fine not exceeding the sum of \$100 or by imprisonment in the county jail not exceeding 90 days, or by both such fine and imprisonment in the discretion of the court.

~~(C) Any violation of, or any failure to comply with, the provision of §§ 90.20 through 90.27 shall be deemed a municipal civil infraction, subject to all of the provision of Act 12 of the Public Acts of 1994, being M.C.L.A. §§ 600.8701 et seq., as amended, including a civil fine up to \$500, plus costs, actual damages and expenses (including actual attorney fees and expenses), as well as the issuance of equitable writs and orders pursuant to M.C.L.A. § 600.8302. Each day that a violation of §§ 90.20 through 90.27 is continued or permitted to exist without compliance shall constitute a separate infraction, separately sanctionable as set forth above.~~

Section 8. Title IX, Chapter 91, Section 91.01 of the Code of Ordinances, Township of Tuscarora shall be deleted in its entirety and amended to read as follows:

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLES. Includes, without limitation, any motor vehicle or motorized equipment which has remained on private property for a period of 48 continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.

ABATE and ABATEMENT mean demolition, removal, repair, maintenance, construction, reconstruction, replacement and reconditioning of structures, appliances, appurtenances or equipment; and it shall also include removal, transportation, burying, disposal and treatment of refuse, manure or other substance or media capable of causing obnoxious odors or of attracting or breeding flies, and the application of chemicals, insecticides or other substances or the use of mechanical means to control, eradicate and eliminate the nuisance conditions.

BLIGHTED STRUCTURE. Includes, 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 or other natural disaster, age or physical deterioration is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

BUILDING MATERIALS. Includes, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment,

shingles, mortar, concrete, cement, nails, screws or any other materials used in constructing any structure.

JUNK. Includes, without limitation, unused, damaged or deteriorated machinery or equipment, parts of machinery and motor vehicles, broken or unusable furniture, unused or parts of stoves, refrigerators or other appliances, remnants of wood, metal or any other cast-off material of any kind, whether or not the same could be put to any reasonable use.

JUNK AUTOMOBILES. means any motor vehicle which is not licensed for use upon the highways of the state, and shall also include, whether so licensed or not, any motor vehicle which is inoperative.

NUISANCE means any act or omission to act on the part of any person which creates or permits the existence of a situation which annoys, injures or endangers the peace, welfare, order, health or safety of the public in their persons or property. A nuisance includes but is not limited to conditions which render persons insecure in life or in the use and enjoyment of their property, such as 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 or mechanical alteration or manipulation of materials. A nuisance also includes 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. A nuisance includes a condition which is indecent, obnoxious or offensive to the senses.

PERSON. Includes all natural persons, firms, co-partnerships, corporations and other entities of any form, and all associations of natural persons incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All PERSONS who violate any of the provisions of this Chapter, whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.

TRASH and RUBBISH. Includes any and all forms of debris not herein otherwise classified.

Section 9, Title IX, Chapter 91, Section 91.03 of the Code of Ordinances, Township of Tuscarora, Michigan shall be amended to read as follows:

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance as proscribed by this Chapter. It is the duty of the person who creates, allows, tolerates or permits the existence of a nuisance to abate the nuisance. Failure to comply with the prohibitions, requirements and provisions of this Chapter constitute a violation of this Chapter. Each day that a violation of this Chapter is continued or permitted to exist without compliance shall constitute a separate infraction, separately sanctionable as set forth in this Chapter.

A person who violates this Chapter is responsible for a municipal civil infraction. The civil infraction fine for a violation of this Chapter, unless specifically provided for by a subchapter is Five Hundred Dollars (\$500.00). The Township may also request injunctive relief as provided for in Section 10.99(B)(3) of this Code.

Section 10. Title IX, Chapter 91, Section 91.04 of the Code of Ordinances, Township of Tuscarora, Michigan shall be amended to read as follows:

~~Whenever a nuisance is found to exist within the township, the Supervisor or some other duly designated officer of the township shall give five days' written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.~~

Whenever the causes of blight or blighting factors as set forth in Code sections 91-52, are found to exist upon private property within the Township, the owners and occupants of the property shall be notified in writing of the violation and a request to remove, eliminate and abate such causes of blight, blighting factors, unwholesome substances or injurious substances within a stated number of days after service of the notice. The contents of the notice shall conform to the requirements of Section 91.05 of this Code.

Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

Section 11. Title IX, Chapter 91, Section 91.05 of the Code of Ordinances, Township of Tuscarora, Michigan shall be amended to read as follows:

The notice to abate a nuisance issued under the provisions of this ~~sub~~ Chapter shall contain:

- (A) An order ~~request~~ **request to correct the stated violation and to abate the** nuisance ~~or to request a hearing~~ within a stated time, which shall be reasonable under the circumstances.
- (B) The location of the **violation**/nuisance, ~~if the same is stationary;~~
- (C) A description of what constitutes the **violation**/ nuisance **and the code of ordinance section.**
- (D) A statement of acts necessary to correct **the violation and abate** the nuisance; and
- (E) A statement that if the nuisance is not abated as ~~directed and no request for hearing is made~~ within the prescribed time, ~~the township will abate the nuisance and assess the cost thereof against such person.~~ **a civil infraction citation will be issued to the violator requiring their appearance in court and the following language:**

If found responsible for the stated violation(s), you may receive a fine of not to exceed \$500.00 plus costs, actual damages and expenses (including attorney fees and expenses), as well as the issuance of equitable writs and orders pursuant to MCL 600.8302. Each day that a violation of this ordinance is continued or permitted to exist without

compliance shall constitute a separate infraction, and separately sanctionable as set forth above.

Section 12. Title IX, Chapter 91, Section 91.06 of the Code of Ordinances, Township of Tuscarora, Michigan shall be amended to read as follows:

~~The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.~~

Such notice may be served personally or by certified mail, return receipt requested, addressed to such owner or occupant at the address shown on the tax records.

Section 13. Title IX, Chapter 91, Section 91.07 of the Code of Ordinances, Township of Tuscarora, Michigan shall be amended to read as follows:

~~Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provision of this subchapter to abate the same, the Supervisor and or other duly designated officer of the township shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.~~

Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this Chapter.

Upon failure to comply with such notice within the time allowed by the authorized enforcement officer, the owner and/or occupant shall be in violation of this Chapter and the authorized enforcement officer may proceed with the issuance of a municipal civil infraction citation, and/or request an administrative search warrant and/or seek any other legal proceeding. The Township may seek any and all injunctive relief required to eliminate blight factors, injurious substance and unsafe structures in addition to any fines and costs imposed.

Section 14. Title IX, Chapter 91, Section 91.08 of the Code of Ordinances, Township of Tuscarora, Michigan shall be deleted in its entirety.

Section 15. Title IX, Chapter 91, Section 91.09 of the Code of Ordinances, Township of Tuscarora, Michigan shall be deleted in its entirety.

Section 16. Title IX, Chapter 91, Section 91.21 of the Code of Ordinances, Township of Tuscarora, Michigan shall be deleted in its entirety.

Section 17. Title IX, Chapter 91, Section 91.22 B of the Code of Ordinances, Township of Tuscarora, Michigan shall be amended to read as follows:

Specific violations. The following noises and disturbances are hereby declared to be a violation of this subchapter; ~~provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this subchapter not specifically enumerated.~~

Section 18. Title IX, Chapter 91, Section 91.23 of the Code of Ordinances, Township of Tuscarora, Michigan shall be deleted in its entirety.

Section 19. Title IX, Chapter 91, Section 91.24 of the Code of Ordinances, Township of Tuscarora, Michigan shall be deleted in its entirety.

Section 20. Title IX, Chapter 91, Section 91.50 through 91.53 of the Code of Ordinances, Township of Tuscarora, Michigan shall be created to read as follows:

BLIGHT

Section 91.50

It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk vehicles and building materials and the maintenance of blighted structures, upon private property within the township in the manner proscribed in this subchapter tends to result in blighted and deteriorated neighborhoods, the impairment of property values, the exposure of the land, waters and air to hazardous substances, the exposure of persons, especially children, to personal injury, the spread of vermin and disease, the increase in criminal activity and the impairment of aesthetic values and therefore is contrary to the public peace, health, safety and general welfare of the citizens and property of the township.

Therefore, it is the purpose of this subchapter to prevent, reduce or eliminate blight, potential blight, nuisances or potential nuisances and to provide for the removal, vacation, repair, demolition or eradication, by the property owner and/or occupant or by the township, of any condition, building or structure which is or threatens to be a public nuisance or is or may threaten to be dangerous to the public health, safety and welfare of the residents of the township.

As such maintenance of property as proscribed by this subchapter is declared to be a nuisance

Section 91.51

It is the duty of the person who creates, causes, allows, suffers or permits the existence of a nuisance to abate the nuisance. Failure to abate a nuisance is a violation of this subchapter and subject to a penalty as provided in section 91.03 of this Code..

Section 91.52

It is determined that the following uses, buildings or structures and activities are causes of blight or blighting factors which if allowed to exist will tend to result in blighted and undesirable neighborhoods and shall therefore constitute and be treated as public

nuisances. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the township owned, leased, rented or occupied by such person:

(1) Junk Automobiles. In any area, the storage upon any property of junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractor's equipment in disrepair, or boat hulls in disrepair is not permitted, except in a completely enclosed building. For purposes of this section, unlicensed farm vehicles and snow removal vehicles may be stored upon property for a period not exceed 30 days and motor vehicles stored upon the premises of a motor vehicle repair garages shall permitted for a period not to exceed 28 days.

(2) Building materials. In any area, except where specifically permitted, the storage upon any property of building materials unless there is in force a valid building permit issued by the County Building Safety Department for construction upon the property, the construction is progressing within a reasonable time frame and the materials are intended for use in connection with such construction, Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other material used in constructing any structure.

(3) Junk, rubbish. In any area, except where specifically permitted, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in a rodent proof receptacle, in such a manner as not to create a nuisance for a period not to exceed 30 days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances or other cast-off material of any kind, whether the material could be put to any reasonable use.

(4) Uninhabitable dwellings. In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration, is otherwise dangerous to the safety of persons or property, is no longer habitable if a dwelling, nor useful for any other purpose for which it may have been intended.

(5) Vacant buildings. In any area zoned for residential purposes, the existence of any vacant dwelling, garage or other outbuilding unless such buildings are kept securely locked, windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance by vandals.

(6) Partially completed structures. In any area, the existence of any partially completed building or structure unless such building or structure is in the course of construction in accordance with a valid and subsisting building permit issued by the County Building Safety Department, the owner obtains and complies with all inspections for each permit obtained relative to the construction and unless such construction is completed within a reasonable time.

(7) No person shall create, cause or maintain any nuisance within the township by the unreasonable creation of dust, smoke, fly ash or noxious odors, offensive or disturbing to adjacent property owners and residents of the area.

Section 91.53

Any and all costs incurred by the township, township officials or their representative in removing or causing to be removed any junk, junk vehicles, abandoned vehicles, blighted structures, building materials, trash or rubbish pursuant to this subchapter, shall be reimbursed by the owner of the property from which the junk, junk vehicles, abandoned vehicles, blighted structures, building materials, trash or rubbish was removed. All such costs shall be billed by the township to the property owner and if not paid within 30 days of the date of such bill, the township shall have a lien against the property in the amount of such bill to the extent provided by M.C.L.A. §§ 600.8731 et seq. and all other applicable laws.

Section 21. Title IX, Chapter 92, Sections 92.15 and 92.16 of the Code of Ordinances, Township of Tuscarora, Michigan is hereby repealed in its entirety.

Section 22. Title XI, Chapter 111, Sections 111.01 through 111.03 of the Code of Ordinances, Township of Tuscarora, Michigan is hereby repealed in its entirety.

Section 23. Title XII, Chapter 113, Section 130.02 of the Code of Ordinances, Township of Tuscarora, Michigan shall be amended to read as follows:

(A) ~~No person shall in any public place~~ **A person is a disorderly person if the person is any of the following:**

(1) ~~Be drunk -A person who is intoxicated or under the influence of any narcotic drug if in a public place, while drunk or under the influence of a narcotic drug, said person is and who is either~~ **endangering the well-being of himself or herself or other persons; directly the safety of another person or of property or is acting in a manner that causes public disturbance;**

(2) ~~Be in a naked state;~~

(3) ~~Use any indecent or immoral language to, or in the presence or hearing of, any other person, or manifest any indecent or immoral behavior in said township in the presence, view or hearing of any other person;~~

(4) Engage in any disturbance, fight or quarrel;

(5) Conduct himself or herself in such a manner that he or she unreasonably disturbs a meeting of municipal officials;

~~(6) Disturb the public peace and quiet by loud, boisterous or vulgar conduct;~~

~~(7) Allow any place occupied or controlled by him or her to be a resort of noisy, boisterous or disorderly persons;~~

(8) Obstruct, resist, hinder or oppose any member of the Police or Fire Departments or any peace officer in the discharge of his or her duties as such, or to flee on foot from any member of the Police Department when said officer is lawfully discharging his or her duties;

~~(9) Prowl about or loiter in any alley or the private premises of any other person without authority or the permission of the owner of such premises;~~

~~(10) Summon, as a joke or prank or otherwise without any good reason therefor, by telephone or otherwise, the Police or Fire Department or any public or private ambulance to go to any address where the service called for is not needed;~~

~~(11) While under the age of 17 years, loiter or remain in or upon any streets, alleys or public places in the township between the hours of 11:00 p.m. and 5:00 a.m. of the following day, unless such minor is in the pursuance of an errand directed by a parent, guardian or other person having care or custody, or while the performance of such lawful employment of such minor makes it necessary that such minor be upon such streets, alleys or public places during the night time, within such specified hours;~~

(12) To loiter, loaf, wander, stand or remain idle either alone and /or in consort with others in a public place in such a manner so as to:

(a) Obstruct any public street, public highway, public sidewalks or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

~~(b) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by any one in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, which act prevents the free and uninterrupted egress or ingress to or from said place.~~

(B) When any person or persons causes or commits any of the conditions herein enumerated in this section, a police officer or any law enforcement officer shall order that person or persons to cease causing or committing such conditions and to move or disperse. Any person or persons who fails or refuses to obey such orders shall be guilty of a violation of this section.

Section 24. SEVERABILITY

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 25 REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 26. EFFECTIVE DATE

This Ordinance shall be effective seven (7) days from the date of publication hereof.

CERTIFICATION

I hereby certify the foregoing is a true and complete copy of Ordinance No. 190 duly adopted by the Board of Trustees of the Township of Tuscarora at a Regular Meeting held on August 3rd, 2021, pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be made available as required by said Act.



Dawn M Webb Clerk

Adoption Date:

8/3/21

Effective Date:

8/12/21