

SCIPIO TOWNSHIP
ORDINANCE NO. 2023-03

AN ORDINANCE TO PROHIBIT THE CREATION OR MAINTENANCE OF ANY PUBLIC NUISANCE AND TO PROHIBIT THE MAINTENANCE OF DANGROUS STRUCTURES WITHIN THE TOWNSHIP OF SCIPIO, TO PROVIDE FOR THE ABATEMENT OF PUBLIC NUISANCES AND DANGEROUS STRUCTURES, AND TO ESTABLISH PENALTIES FOR VIOLATIONS.

THE TOWNSHIP OF SCIPIO ORDAINS THAT:

Section 1: Definitions.

- (a) *Person* means and shall include all natural persons, firms, co-partnerships, limited liability companies, corporations and all associates of natural persons, incorporated or unincorporated, whether acting by themselves, or by a partner, member, manager, shareholder, officer, director, servant, agent, or employee. All persons who violate any of the provisions of this ordinance, whether as an owner, occupant, lessee, agent, servant, or employee, shall, except as is herein otherwise provided, be equally liable as principals.
- (b) *Public nuisance* means whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; 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.
- (c) *Dangerous Structure* means any structure which is unsafe or which is otherwise a menace to the health, safety, or welfare of the public.

Section 2: Public Nuisances Prohibited.

- (a) Public Nuisances Prohibited. No person shall commit, create, or maintain any public nuisance within the Township of Scipio.
- (b) Penalties. Any person who violates this section shall be responsible for a municipal civil infraction and shall be subject to the penalties set forth in Section 6.

Section 3: Abatement of Public Nuisances.

- (a) Abatement and Removed. Any public nuisance as defined in this section shall be abated, either by action of the owner of the property upon which the nuisance is located, or the person who commits, creates, or maintains such nuisance, or by the action of the Township Board under the provisions of this section.
- (b) Recommendations to the Township Board. Whenever a Township official is made aware of the existence of a public nuisance within the Township, he or she shall inform the Township Supervisor of the existence of the public nuisance and the Township Supervisor shall present to the Township Board his or her recommendation as to the manner in which the public nuisance should be abated and done away with. The Township Supervisor's recommendation shall be presented to the Township Board at its next regularly scheduled meeting, or at a special meeting called for the purpose of addressing the public nuisance condition.

- (c) Notice by Township Board. Whenever a recommendation shall have been presented to the Township Board in accordance with the provisions of the preceding subsection, the Township Board shall immediately accept or reject such recommendation. If, in the opinion of the Township Board, a public nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the Township exists, the Township Board shall issue a notice to the person who has created or is maintaining the public nuisance specifying the nature of the public nuisance and requiring such person to abate the condition constituting the public nuisance promptly and within a time commensurate with the nature of the public nuisance.
- (d) Noncompliance With Notice. If, at the expiration of the time limit as set forth in the notice given pursuant to the preceding subsection, the person to whom the notice was directed has not complied with the requirements as set forth in the notice, or in any case where the person responsible for creating or maintaining the public nuisance is not known, the Township Board, following a public hearing as to which notice of and an opportunity to be heard is provided to the person to whom the notice provided for in subsection (c) above was directed, may order such public nuisance abated by the Township Supervisor, who may contract with or hire a person or firm that is qualified to do the work required for such abatement.
- (e) Assessment of Costs. The costs of the abatement or removal of the public nuisance shall be assessed against the person creating or maintaining the public nuisance, and upon any real property upon which such public nuisance was located and shall constitute a lien upon such property in the form of a special assessment. This assessment shall be collected at the same time as are regular Township property taxes, if unpaid, and shall be subject to the same penalties as are levied for unpaid property taxes.
- (f) Remedies Not Exclusive. The remedies provided for in this section shall be in addition to any other remedies available to the Township under applicable law.

Section 4: Dangerous Structures Prohibited.

- (a) Dangerous Structures Prohibited: No person shall maintain any dangerous structure within the Township of Scipio.
- (b) Penalties. Any person who violates this section shall be responsible for a municipal civil infraction and shall be subject to the penalties set forth in Section 6.

Section 5: Abatement of Dangerous Structures.

- (b) Notice and Hearing. The Township Board may, after notice to the owner and after holding a public hearing thereon at which hearing the owner shall be provided with an opportunity to be heard, condemn such structure by giving notice to the owner of the land upon which said structure is located, specifying in what respects said structure constitutes a dangerous structure as defined herein, and requiring said owner to alter, repair, tear down, or remove the same within such reasonable time, not exceeding sixty days, as may be necessary to do or have done the work required by said notice. Said notice may also provide a reasonable time within which such work shall be commenced.
- (c) Abatement. If, at the expiration of any time limit in said notice, the owner has not complied with the requirements thereof, the Township Supervisor or his or her designated representative shall carry out the requirements of said notice. The cost of such abatement shall

be charged against the premises and the owner thereof in accordance with the provisions of subsection (e) hereof.

- (d) Emergency Abatement. The Township Supervisor may abate any unsafe or hazardous conditions created by any dangerous structure, if the public safety requires immediate action, without preliminary order of the Township Board. Thereafter, the cost of abating such unsafe or hazardous condition created by the dangerous structure shall be charged against the premises and the owner thereof in accordance with the provisions of subsection (e) hereof.
- (e) Assessment of Costs. The costs of the abatement of any unsafe or hazardous condition created by any dangerous structure shall be assessed upon the property upon which such structure is located and shall constitute a lien upon such property in the form of a special assessment. This assessment shall be collected at the same time as are Township property taxes, if unpaid, and shall be subject to the same penalties as are levied for unpaid property taxes.
- (f) Remedies Not Exclusive. The remedies provided for in this section shall be in addition to any other remedies available to the Township under applicable law.

Section 6: Penalties.

- (a) Civil Fine. A person who violates any provision of this Ordinance is responsible for a municipal civil infraction, and upon an admission or finding of responsibility therefore shall be assessed a civil fine in the amount as provided herein, plus any costs, damages, expenses, and other sanctions, as authorized under Chapter 87 of the Revised Judicature Act of 1961, as amended; MCL 600.8701, et seq, and other applicable laws.
- (b) Amount of Civil Fine. The civil fine for a violation shall not be less than \$100.00 nor more than \$500.00, in the discretion of the court, together with costs of the action, which are not limited to the costs in ordinary civil actions and which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction up until the entry of judgment, and such other assessments, damages, and expenses as are allowed by law.
- (c) Additional Judgments, Writs, or Orders. In addition to any other penalties assessed, upon an admission or finding of responsibility for a violation of this Ordinance, the district court may issue and enforce any judgment, writ, or order necessary to enforce this Ordinance.
- (d) Each Day A Separate Violation. Each day that a violation is permitted to exist or continue shall constitute a separate violation.
- (e) Injunctive relief. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
- (f) Enforcement Authority. To the extent not otherwise provide herein, this ordinance shall be administered and enforced by the Township Supervisor or by such other person(s) as designated by the Township Board from time to time.

Section 7: Severability.

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this ordinance which shall continue in full force and effect.

Section 8: Repealer.

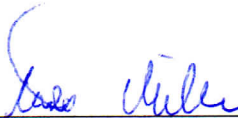
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 9: Savings Clause.

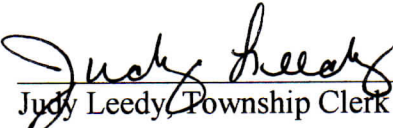
A prosecution that is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

This ordinance shall take effect 30 days after its first publication as provided by MCL 41.184(2)(a).

The foregoing ordinance was duly adopted at a regular meeting of the Scipio Township Board held on the 9th day of October, 2023.



Todd Miller, Township Supervisor



Judy Leedy, Township Clerk