

HANOVER TOWNSHIP , WEXFORD COUNTY, MICHIGAN

PUBLIC NUISANCE ORDINANCE

Ordinance No. 2024-1

AN ORDINANCE TO REGULATE AND CONTROL THE STORAGE AND DISPOSAL OF JUNK, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

The Township of Hanover, County of Wexford, State of Michigan, ordains:

Article I

Purposes/Nuisance.

Junk property (which is defined as the property described at subparagraphs A and B of Article II), if allowed to remain in the open, is dangerous to the health, safety, and welfare of the township in that it allows brush to grow up around it creating a harborage for rats and other rodents; is an attractive nuisance to children; is offensive to the aesthetic character of the township; and thus adversely affects the personal and commercial environment of the township - thereby creating, and hereby being declared, a public nuisance which this ordinance is intended to prevent.

Article II

Accumulation, storage of junk on private property.

- (A) **Junk.** No person or legal entity having ownership or control of private land shall permit the accumulation of junk on said premises for a period of 10 days out of 30 days. "**Junk**" means:
- (1) old scrap ferrous or nonferrous material, rubber, cloth, paper, rubbish, refuse and litter.
 - (2) materials from demolition, waste building materials.
 - (3) junked, abandoned, scrap, dismantled or wrecked (including parts of, or items held for salvaging parts) automobiles, farm equipment, boats, trailers, mobile or modular homes, appliances, and all other machines; and
 - (4) motor vehicles which do not meet the following conditions:
 - (a) are in operating condition, and eligible for use in accordance with the requirements of the Michigan Motor Vehicle Code, being Act 300 of the Public Acts of 1949; and
 - (b) have an engine that runs, four wheels and four inflated pneumatic tires, and equipped with a working battery.
- (B) **Application; exceptions.** The provisions of this section shall apply in all areas of the township except (in conformity with township/county/village zoning and other applicable laws and regulations) where the junk is stored in a completely enclosed building, or by a licensed junk dealer, or stored behind a solid fence of sufficient height to shield the junk from neighboring land and public roads.
- (C) **Violation.**
- (1) Failure of any person to comply with this Ordinance shall constitute a municipal civil infraction.
 - (2) Each day for which an offense is committed or is ongoing shall constitute a separate and distinct offense.

Article III

Enforcement and Procedure.

- (A) The township board shall from time to time designate by resolution the authorized local officials (as defined in Chapter 87 of PA 1961, No. 236; MCLA 600.87G1, et seq) to issue municipal civil infraction citations for violations of this Ordinance. In the interim, the township supervisor, and any board trustee, are all authorized, individually, to issue the citations.
- (B) The sanction shall be a civil fine, plus such costs, damages, expenses, and other sanctions as authorized under the aforesaid Chapter 87.
- (C) *The fine schedule* (in addition to costs, damages, and expenses) shall be as follows:
 - (1) First offense: \$250.00.
 - (2) In the case of a subsequent offense within one (1) year of the date of the initial infraction: \$500.00.
 - (3) In the case of a subsequent offense within one (1) year of the second infraction, \$1,000.00, and a like amount for all subsequent offenses, regardless of the interval between them.
- (D) A violation of this Ordinance is deemed a nuisance *per se* and, in addition to any other legal remedies available, the township may bring an action for an injunction or other process to restrain, prevent or abate any violation of this Ordinance.
- (E) Upon failure of the offender to abate the condition, the township may enter the property to do so and be reimbursed by the offender for any costs, which costs may be recovered by creation of a lien which is placed on the tax rolls and enforced in the same manner as a tax lien.

Article IV

Severability.

The sections of this Ordinance are declared to be severable and if any section is declared illegal, or void for any reason, it shall not affect the remainder of this Ordinance.

Article V

Effective Date; Repeal.

This Ordinance shall take effect upon the date it is published, and all previous ordinances, as amended by Ordinance No. 2024-1, are hereby repealed, effective on the date that this Ordinance takes effect.

Township Clerk's Certification: The undersigned, Clerk for the Township of Hanover, hereby certifies that the foregoing Ordinance was adopted by the Township board on the _____ day of _____, 2024, and that a complete copy of the Ordinance was published in the _____ on the _____ day of _____, 2024, and that, immediately after publication, a copy of the Ordinance was inserted in the Township Records, along with a certificate stating the time and place of publication.

X

Terri Schichtel
Township Clerk