

## **TOWNSHIP OF HARTLAND**

### **ORDINANCE No. 78 BLIGHT AND NUISANCE ORDINANCE**

Adopted: September 2, 2014

Effective: October 9, 2014

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Hartland Township, by the regulation, prevention, reduction or elimination of litter, junk, trash, rubbish, refuse or debris, and other blight and blighting or nuisance factors or causes of blight and/or nuisance upon public or private property within the Township and to provide civil remedies for violations.

#### **HARTLAND TOWNSHIP, LIVINGSTON COUNTY MICHIGAN ORDAINS;**

##### **SECTION 1: TITLE**

This Ordinance shall be known and cited as the "Blight and Nuisance Ordinance."

##### **SECTION 2: POLICY**

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 is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Ordinance. No person shall commit, create or maintain any public nuisance.

It is also hereby found and declared that there exist within Hartland Township a number of real properties which contain vacant, abandoned or blighted buildings and or blighted lots, and the existence of said vacant and blighted properties contributes to the decline of the Township. It is further found that the existence of vacant and blighted buildings and/or properties affects the economic well-being of the Township and is detrimental to the health, safety and welfare of the residents of the Township. It is further found that many of the vacant and blighted buildings and/or properties can be rehabilitated and reconstructed so as to provide decent, safe and sanitary housing, commercial facilities, or industrial facilities, and that such rehabilitation, reconstruction and reuse would eliminate, remedy and prevent the adverse conditions described above.

##### **SECTION 3: PURPOSE**

The purpose of this Ordinance is to promote and preserve the general health, safety and welfare of the residents and property owners of Hartland Township by regulating

and preventing, reducing or eliminating public nuisances, litter, junk, trash rubbish, refuse and debris, and other blight or potential blight in the Township through the prevention or elimination of nuisances and/or blight or blighting factors which exist or which may in the future exist in the Township. This Ordinance is not intended to, nor does it replace, rescind or supersede any ordinance applicable to the elimination of dangerous buildings.

Where any provision of this Ordinance imposes either greater or lesser restrictions, limitations, conditions, standards or requirements, unless specifically referenced herein, the provision or standard which is more restrictive or limiting shall govern.

#### **SECTION 4: DEFINITIONS**

For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein shall have the following meaning:

- A. Blighted – means deteriorated, in a state of disrepair, filthy, decaying.
  
- B. Blighted Premises – means any portion of any premises that are blighted including, but not limited to, the existence of one or more of the following blighting factors:
  - 1. The premises pose a serious or immediate danger; i.e. a life threatening condition or a condition that threatens the health, safety or welfare of the public.
  - 2. The premises are not being properly maintained. The Township may consider, but is not limited to, the following factors to determine whether the premises are not being maintained:
    - a. broken windows;
    - b. window or door screens that are torn or have jagged edges;
    - c. lack of siding or exterior paint;
    - d. missing or boarded windows or doors;
    - e. a collapsing or missing wall, sagging or collapsed roof or floor; siding that is seriously damaged or missing;
    - f. fire damage;
    - g. a foundation that is substantially damaged or missing;
    - h. a foundation that is structurally unsound;
    - i. grass and/or weeds over eight (8) inches in height, broken tree limbs or similar non-maintenance of the premises or garbage, trash or junk or abandoned vehicles located on the premises;
    - j. clear evidence that a premises is unoccupied.
  - 3. The premises are in disrepair or dilapidated;
  - 4. The premises have attracted illegal activity;

5. The premises are a fire hazard;
  6. The premises are creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space on the premises, any adjacent premises or any premises located within the immediate area;
  7. The premises constitute a health, safety or welfare hazard.
- C. Building materials – means lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in any manner of construction.
- D. Compost Pile - A mixture of various decaying organic substances that is managed or tended so as not to become offensive by reason of odors, insects, rodents, pollution, or scattering.
- E. Contractor's equipment - means all apparatus, machinery, vehicles and other things commonly required or used in excavation or construction.
- F. Dilapidated – means a state of decay or partial ruin.
- G. Enforcement Officer – The Township Manager, his or her designee or any such person designated by the Township Board to enforce this Ordinance.
- H. Inoperable – means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or other cause for a period in excess of 10 days.
- I. Junk or abandoned vehicle – means any vehicle, contractor's equipment, or watercraft including, but not limited to, any of the following:
1. Any vehicle or portion thereof which, for a period of ten (10) consecutive days or more, does not have one or more of any of the following: an engine in running condition, four inflated tires, or a functioning battery; or
  2. Any vehicle or watercraft that, for a period of three (3) days or more, is an unlicensed vehicle; or
  3. Any vehicle or watercraft that is abandoned by its owner; or
  4. Any vehicle, contractor's equipment, or watercraft that is for any reason not operable, repairable, or is partially dismantled.
- J. Litter, junk, trash, rubbish, refuse or debris – means any worn out and/or discarded materials including, but not limited to, scrap metal; dismantled or partially dismantled vehicles, unlicensed or inoperable vehicles or parts of vehicles; construction materials, garbage, scrap and waste materials including metals, boxes, cartons, bottles, cans, rope, rubber, rags, plastic, paper, glass, wood, and wooden skids or

pallets or parts therefrom (excluding those stored and used in connection with an approved industrial or commercial operation on the site), hazardous compounds, waste, offal, refuse, rubbish, food containers, oil, broken glass, discarded paper products, industrial byproducts or waste, used tires, any type of trailer or device which lacks all of the necessary component parts to make it operative and serviceable; yard trimmings, cut or detached tree branches, appliances, televisions or furniture not usable for the purpose for which they were manufactured, or any other scrap or waste material of any kind, including parts or components of any of the above or any other material which constitutes a threat or menace to the health, safety or general welfare of the public. Litter, junk, trash, rubbish, refuse or debris does not include firewood stored in an orderly manner or domestic refuse provided it is stored for seven (7) or fewer days and in such a manner and in a container so as not to become offensive by reason of odors, insects, rodents, pollution, or scattering.

- K. Motor vehicle – means any vehicle which is self- propelled or intended to be self-propelled.
- L. Partially dismantled – means in a state where parts that are ordinarily components have been removed or missing.
- M. Person – means an owner, occupant, individual, firm, corporation, or any other entity owning or in control of any vehicle, watercraft, contractor’s equipment, animal, premises or any part of premises.
- N. Premises – means any public or private property, including any buildings and appurtenances.
- O. Public or private property or waters – means land or water that includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, or the shores or beaches thereof, and including the ice above such waters; any park, playground, building, refuge, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.
- P. Township – means the Township of Hartland, Livingston County, Michigan.
- Q. Trailer – means every vehicle with or without motive power designed for carrying property or persons and for being drawn by a motor vehicle.
- R. Trailer coach – means any vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and drawn by a motor vehicle.

- S. Unlicensed vehicle - Any vehicle or watercraft without a valid vehicle or watercraft registration certificate, plate, or adhesive tab.
- T. Vehicle - means every device, including trailers and trailer coaches, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power.
- U. Watercraft – means any contrivance used or capable of being used for navigation upon water, whether or not capable of self-propulsion, including foreign and domestic vessels, passenger or other cargo-carrying vessels, and privately owned recreational watercraft.
- V. Weeds – Any wild plant material or vegetation that is not valued where it is growing and is usually of vigorous growth, especially where they overgrow or choke out more desirable plants or cultivated plants.

## **SECTION 5: BLIGHT**

All blight, blighting factors, nuisances and causes thereof, as defined herein, are prohibited on any premises in the Township and shall be abated. No person shall permit any blight, blighting factors, or nuisances to exist upon any premises in the Township.

The following conditions and uses of premises are prohibited and are determined to be blight, blighting factors, or nuisances or causes thereof, which will result in blighted and undesirable neighborhoods or which will result in public nuisances unless abated:

- A. No person shall dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter, junk, trash, rubbish, refuse or debris of any kind on any public or private property or waters within the Township, except on premises duly licensed and properly approved for use as a junk yard, salvage yard, or landfill, including but not limited to, any of the following locations:
  - 1. Any public or private street, highway, lane, road, alley, square, or sidewalk; or
  - 2. Any river, lake, stream or other body of water.
  - 3. Any other premises in the Township.
- B. No person shall permit, allow or cause the outdoor storage of litter, junk, trash, rubbish, refuse or debris of any kind except in conformance with the following provisions:
  - 1. The litter, junk, trash, rubbish, refuse or debris must be screened from the view of all adjacent properties and abutting public or private rights-of-way, and may be

stored for no more than seven (7) days. Further, it must be stored in a manner as to not become offensive by reason of odors, insects, rodents, pollution or scattering. Domestic refuse or other putrescible liquids or solids may only be stored in a container specifically designed for such purpose.

2. All of the litter, junk, trash, rubbish, refuse or debris is organic material and constitutes a compost pile as defined in Section 4 of this Ordinance.
3. The litter, junk, trash, rubbish, refuse or debris is located on the premises of a duly licensed and properly approved junk yard, salvage yard, or landfill so long as the owner of the facility has obtained the necessary site plan approvals from the Township for such an operation and is adhering to the approved plan.
4. The litter, junk, trash, rubbish, refuse or debris is stored pursuant to written authorization issued by the Enforcement Officer. Such authorization shall only be granted in unique hardship cases that are clearly beyond the control of a person, where no adjoining property owner is adversely affected and where the spirit and intent of this Ordinance is observed. The maximum amount of time granted through such written authorization may not exceed forty-five (45) days.

C. No person shall drive or move any vehicle upon any public street or roadway unless such vehicle is so constructed, loaded, covered and used so as to prevent its contents or any deposits from its wheels, tires, or other parts from spilling, dropping, leaking, or escaping on to the street, alley, sidewalk or any other public or private place. Any person who knowingly permits the operator of or passenger in the vehicle to use the vehicle in a manner that violates any of the provisions of this Ordinance shall be deemed to be aiding, assisting, or abetting such violation and shall be responsible in the same manner and to the same extent as the operator or passenger. The Township may grant temporary exemptions from the provisions of this subsection, provided any such temporary exemption includes the execution of an agreement to remediate any of the above conditions or to reimburse the Township for any extraordinary maintenance expenses incurred by the Township.

D. No person shall maintain or allow to be maintained on any premises any of the following uses or activities which are hereby determined to be causes of blight or blighting factors that, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and threaten the public health, safety and welfare:

1. The parking, storage or accumulation of junk or abandoned vehicles or unlicensed vehicles or parts or components thereof.
2. The parking or storage of recreational vehicles or mobile homes contrary to the requirements of the Hartland Township Zoning Ordinance.
3. The parking, storage or accumulation of trailers or watercraft not usable for the purposes for which they were manufactured, including parts or components thereof, or parked, stored or accumulated in violation of the Hartland Township Zoning Ordinance.

4. The storage or accumulation of building materials outside of a completely enclosed building in any area for a period in excess of seven (7) days; except that this subsection shall not apply to the following:
  - a. Usable building materials used in the regular course of a lawfully operated business.
  - b. Usable building materials stored on premises for which a valid Building Permit has been issued by the Livingston County Building Official and where such building materials are intended for use in connection with construction under the Building Permit.
  - c. Usable building materials neatly stored in the rear yard of occupied premises, provided such outdoor storage is screened from the view of all adjacent properties and abutting public or private rights-of-way and complies with all applicable Township fire codes and any other ordinance requirements.
5. The existence of any tree or other growth infected by disease, injurious insects, or other dangerous condition that detrimentally affects other trees, plants or other growths, or threatens the public health, safety and welfare.

E. No person shall cause or allow blighted premises to be created or continued.

F. Persons shall be responsible for maintaining the growth of vegetation on premises and the adjacent right(s) of way.

No person shall permit any prohibited plant species, restricted plant species, prohibited noxious weeds or restricted noxious weeds listed on Exhibit A to this Ordinance to exist unabated on any premises. All prohibited plant species, restricted plant species, prohibited noxious weeds or restricted noxious weeds shall be removed. All other grasses, weeds, lawn grass, brush, underbrush, or other similar type vegetation not previously referenced, may not exceed eight (8) inches in height so as to create an unsightly, unhealthy or unsafe condition or fire hazard, except that this paragraph shall not apply to the following:

1. Properties zoned CA – Conservation Agriculture, RUR – Rural Residential, or RE – Residential Estate, so long as those properties do not meet both of the following criteria:
  - a. The property is 0.75 acres or less;
  - b. The property is adjacent or tangent to a property 0.75 acres or less.
2. Properties 2.0 acres or greater in any zoning district.

G. The exterior of all commercial buildings and industrial buildings shall be maintained so as to present a neat and orderly appearance consistent with the applicable standards of the *International Property Maintenance Code*, as amended, published by the International Code Council. A copy of the *International Property Maintenance*

Code shall be kept on file in the offices of the Township. All commercial and industrial buildings shall be maintained so that there are no broken windows and all windows shall be fully glazed without inserts or patches. Exterior painted or stained surfaces shall be kept properly painted or stained and shall be free from chipping or peeling. Block, brick or other siding shall be in good repair with no holes, loose or missing pieces. Exterior surfaces shall be clean and free from accumulation of dirt, grime, or graffiti and all other appropriate measures shall be taken to properly maintain the buildings. All litter, junk, trash, rubbish, refuse or debris shall be removed from commercial and industrial premises at regular intervals, but not less than once a week. Removal shall be made more often if necessary to prevent the accumulation of refuse creating a public nuisance.

## **SECTION 6: NUISANCES**

In addition to the above, the following are also declared to be public nuisances:

- A. Parking on a regular basis on lawns or other unpaved areas, with the exception of approved gravel parking areas.
- B. The display of vehicles for sale on lawns or other unpaved areas, with the exception of approved gravel parking areas.
- C. Parking on, over, within or in any manner that impedes a public sidewalk.
- D. The emission of noxious fumes, gas, smoke, ashes or soot in such quantities so as to render occupancy of any premises dangerous or uncomfortable to a person of ordinary sensibilities.
- E. The keeping of explosives, flammable liquids or other dangerous substances stored in any manner or in any amount contrary to the provisions of any applicable federal, State, County or Township statute, ordinance, rule or regulation.
- F. All dangerous, unguarded and/or unsecured machinery, vehicles and contractor's equipment left on public or private property in a manner that invites attention or constitutes an attractive nuisance.
- G. The keeping of bees that results in the disturbance of the safety, comfort and repose of one or more persons, or that renders one or more persons insecure in the use of any premises, unless such bee keeping is in compliance with the Hartland Township Zoning Ordinance.
- H. The keeping of horses or livestock unless such keeping is in compliance with the Hartland Township Zoning Ordinance. The failure to keep unattended horses or

livestock within sufficient fences, barricades or restraints to keep such unattended animals from entering the public way or the property of another.

- I. 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 air tight container of any kind that has a snap latch or other locking device.
- J. A well or cistern which is not safely and sufficiently covered or fenced with a good and substantial fence at a height of not less than four (4) feet to prevent access by any unauthorized person.
- K. A hole, excavation or partially constructed basement pursuant to valid land use and building permits that, after a period of sixty (60) or more days of non-activity, is not safely and sufficiently covered so as to prevent access by any unauthorized person, or is not fenced with a good and substantial fence at a height of not less than four (4) feet.
- L. Any excavation, hole, shaft, pit, trench or other non-natural opening in the ground, except as permitted by subsection 6.K, above, that is not filled in with dirt or safely and sufficiently covered or fenced with a good and substantial fence at a height of not less than four (4) feet so as to prevent access by any unauthorized person. Any such opening, even if fenced, that is allowed to accumulate stagnant or putrid water.
- M. Polluted or stagnant pools of water in any holding tank or vessel, including but not limited to abandoned or improperly maintained swimming pools.
- N. Any unoccupied building or structure, or any portion thereof, that is unguarded or open at any door or window or any other portal or opening permitting or attracting ingress by unauthorized persons.
- O. Any obstruction or hindrance of any kind that unreasonably interferes with the efficiency and use of any fire, ambulance or police protection vehicles or equipment in response to a call for service or in an emergency.
- P. Any occupied premises that do not have adequate facilities for the disposal of human excreta or other sewage.
- Q. Any occupied premises that do not have available a sufficient approved source of clean water in a quantity expected to meet the needs of persons occupying the premises.

- R. Any building or structure, or portion thereof, that is conducive to the harboring or breeding of rats, rodents or vermin.
- S. Any building or structure, or portion thereof, that by reason of structural damage caused by fire, explosion, wind, rain or other natural disaster or by reason of vandalism or other intentional damage or by reason of neglect, lack of maintenance, obsolescence, physical deterioration, dilapidation and the like is no longer habitable or reasonably and safely useful for the purpose for which it was originally intended.
- T. Any building or structure, or any portion thereof, that is partially completed, unless it is in the active process of construction and/or completion pursuant to valid land use and building permits.
- U. Any building or structure, or any portion thereof, that constitutes a fire hazard or is otherwise dangerous for any other reason not specifically listed in this Ordinance.
- V. Any building or structure, or any portion thereof, that due to any one or more of the aforesaid conditions cannot be repaired, rehabilitated or completed, so as to abate its violation of this Ordinance at a cost less than the assessed value of the structure.
- W. The pollution or littering of any street, highway or lane, stream, river, lake or body of water by depositing, or permitting to be deposited, any refuse, foul or noxious liquid or water or industrial waste.
- X. The pollution or littering of domestic animal excreta on any path, park, beach or recreational area without the immediate, complete, and sanitary removal and disposal by the animal's owner or person in control of such animal.
- Y. Portable toilets on construction sites not removed prior to the issuance of the Certificate of Occupancy or after thirty (30) days of no construction activity on the premises; or portable toilets for special events not removed from the premises within forty-eight (48) hours after the end of the event.

## **SECTION 7: NOISE**

- A. It shall be unlawful, and it shall be deemed a public nuisance, for any person to unreasonably make, continue or cause to be made or continued any noise in excess of the sound levels specified in the Hartland Township Zoning Ordinance, that annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities, or that injures or endangers the health, peace or safety of the public. The following acts are declared to be unlawful noises in violation of this section, and are deemed to be public nuisances per se, but this enumeration shall not be deemed to be exclusive, namely:

1. Noise emanating from private property: Any noise emanating from private property in such a manner or at such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, hotel, hospital or residence, or in excess of the sound levels specified in the Hartland Township Zoning Ordinance. The emanation of such noise in such a manner as to be plainly audible on premises or in a dwelling unit other than that from which the noise originates or emanates, or in such a manner as to exceed the sound levels specified in the Hartland Township Zoning Ordinance, shall be prima facie evidence of a violation of this section. This shall include perpetual and/or uncontrolled barking from dogs, or other similar noise from domesticated animals.
2. Noise emanating from public property: Noise emanating from public streets, sidewalks, bike pathways or other streets or paths, or from public parks, between the hours of 10:00 p.m. and 7:00 a.m. so as to exceed the sound levels specified in the Hartland Township Zoning Ordinance or to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities on any premises other than that public property from which the noise originates or emanates. The emanation of such noise in such a manner as to be plainly audible on premises or in a dwelling unit other than that public property from which the noise originates or emanates shall be prima facie evidence of a violation of this section.
3. Construction or Repair: Operating or permitting the operation of any tools or equipment used in construction, excavation, demolition, alteration or repair of any property, building, vehicle, street or highway, between the hours of 8:00 p.m. and 7:00 a.m., in violation of these provisions and those specified in the Hartland Township Zoning Ordinance, such that the sound therefrom is plainly audible on any premises other than that from which the noise originates or emanates, unless a variance is first obtained from the Township.
4. Engines: Operating or permitting the operation of any engine or motor, whether stationary or mobile, in violation of these provisions and those specified in the Hartland Township Zoning Ordinance, so as to annoy or disturb the quiet, comfort or repose of a person of normal sensitivities on any on any premises other than that from which the noise originates or emanates. This subsection shall not prohibit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar device used outdoors in residential areas between the hours of 7:00 a.m. and 8:00 p.m. the same day, nor shall it prohibit the operation of a vehicle with a current registration certificate, plate, or adhesive tab in a manner expressly permitted by state law.
5. Fireworks. The ignition, discharge or use of consumer fireworks shall be prohibited at all times, unless permitted by and in compliance with the Michigan Fireworks Safety Act, Act 256 of 2011, as amended. This subsection shall not prohibit the ignition, discharge or use of consumer fireworks between the hours of 8:00 a.m. and 1:00 a.m. on the day preceding, the day of, or the day after a national holiday, or during said hours on the Friday, Saturday, or Sunday preceding or after a national holiday. Display fireworks, articles pyrotechnic,

special effects and agricultural and wildlife fireworks shall not be ignited, discharged or used at any time without a permit. Permits issued under this subsection shall be an administrative function of the Township Board or its designee and the Township Board shall promulgate administrative rules establishing, at a minimum, the requirements of the application, permit approval process, requirements of permit holders, proof of financial responsibility and the fee for the permit, if any.

- B. In addition to its normal meaning, the term "person" as used in this section means a person who causes or makes an unlawful noise; or a person who is in control of the premises from which an unlawful noise originates or emanates; or a person who owns the premises from which an unlawful noise originates or emanates.
- C. The provisions of this section shall not apply to the following:
  - 1. Emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
  - 2. Emission of sound for public and quasi-public utility work, including but not limited to utility repair, trash collection, and road maintenance.
  - 3. Emission of sound from generators, pumps and similar equipment in instances of power outages, flooding and/or weather emergencies.
  - 4. Emission of sound from snow plows, snow blowers, and similar equipment.
- D. A variance to permit construction noises during hours otherwise prohibited may be sought in accordance with the applicable provisions of the Zoning Ordinance.

## **SECTION 8: JUNK OR ABANDONED MOTOR VEHICLES AND WATERCRAFT**

- A. No person shall store, maintain, keep, or leave any junk or abandoned vehicle or any parts therefrom on the premises of another.
- B. No person shall store, maintain, keep, leave, or authorize the storage, maintenance, keeping or leaving of any junk or abandoned vehicles or any parts therefrom on any premises under his or her ownership, tenancy or control.
- C. The following shall not be deemed junk or abandoned vehicles for purposes of this section:
  - 1. Vehicles or watercraft stored within a fully enclosed building.
  - 2. Vehicles or watercraft kept as stock in trade by a regularly licensed dealer of vehicles or watercraft, so long as the dealer has obtained the necessary site plan approvals from the Township for a commercial operation and is adhering to the approved plan.

3. Vehicles or watercraft stored at a duly licensed and properly approved storage facility, junk yard, salvage yard, or landfill, so long as the owner of the facility has obtained the necessary site plan approvals from the Township for such an operation and is adhering to the approved plan.
4. Any of the following, as approved by the Enforcement Officer upon receipt of a written application:
  - a. Any historic or classic vehicle or watercraft.
  - b. Any vehicle or watercraft in active process of restoration or repair.
  - c. Any vehicle or watercraft that, by reason of special circumstances, is deemed by the Enforcement Officer not to be a junk or abandoned vehicle or watercraft.

## **SECTION 9: ENFORCEMENT**

- A. Whenever any public nuisance and/or blight as described in this Ordinance exists the Enforcement Officer shall give notice in writing by:
  1. Personal delivery; or
  2. Posting notice on the premises and by mailing a copy of said notice by first class mail addressed to the owner and/or occupant at his or her last known address; or
  3. Certified mail with return receipt requested addressed to the owner and/or occupant where the public nuisance exists or to the person(s) otherwise responsible for said public nuisance.
- B. The notice shall specify the location and nature of the public nuisance and/or blight and shall indicate that such owner or occupant or person otherwise responsible is required to repair, tear down, abate or otherwise remove the public nuisance and/or blight within ten (10) days of the receipt of the notice. The ten (10) day limit for compliance may be reduced or increased at the discretion of the Enforcement Officer based on the nature and extent of the public nuisance and/or blight. If the time limit is other than ten (10) days, the adjusted time limit for compliance shall be clearly noted on the written notice. Following the issuance of said notice, the Enforcement Officer may proceed to initiate civil proceedings to abate the nuisance as permitted by law, this Ordinance or any other applicable Township ordinance.
- C. A public nuisance constituting an emergency or imminent threat to the public health, safety and welfare may be abated by the Enforcement Officer without notice and the cost of abatement charged to a person as provided in Section 11 of this Ordinance. In the case of overgrown vegetation as outlined in Section 5.F of this Ordinance, the notice described herein shall suffice as notice for the entire growing season. In the event said vegetation is again allowed to grow beyond that which is allowed, the Township shall have the right to abate the overgrown vegetation in a manner described in Section 11 of this Ordinance without any additional notification.

- D. If the Township intends to abate a nuisance by entering the property and causing the work to be done to repair, tear down, abate or otherwise remove the nuisance and charge the cost, thereof, to the property owner, the Township shall give notice in the manner prescribed by this section at least ten (10) days before further action by the Enforcement Officer. The notice shall advise the owner or occupant that a hearing may be requested within ten (10) days of the date of said notice and that a hearing will be held pursuant to Section 10 of this Ordinance. If no hearing is requested within the time permitted, or following a hearing held pursuant to Section 10 of this Ordinance, the nuisance may be repaired, torn down, abated or otherwise removed by the Enforcement Officer and the cost thereof charged as provided in Section 11 of this Ordinance.
- E. The Enforcement Officer may remove and dispose of any junk or abandoned vehicle or any parts therefrom, or any litter, junk, trash, rubbish, refuse or debris, from any public property in the Township without notice.

### **SECTION 10: HEARING**

If a person requests a hearing with ten (10) days of the date of the notice provided under Section 9, the recipient may request a hearing held before the Township Board. Immediately following the hearing or within a reasonable time after the hearing, the Township Board shall make a decision with written findings of fact the evidence presented at the hearing as to whether the condition in question violates the provisions of this Ordinance. If the Township Board determines that the condition violates the provision of this Ordinance, it shall order abatement of the nuisance within a reasonable time but no less than five (5) days. The order may specify necessary repairs, removal of any other provisions required to sufficiently abate the nuisance. If the nuisance is not abated within the time allowed, the Enforcement Officer may abate the nuisance and charge the cost thereof as provided in Section 11 of this Ordinance.

### **SECTION 11: ABATEMENT, COSTS**

All expenses incurred by the Enforcement Officer in abating a nuisance shall be charged to the person responsible. If said person fails to pay the expenses within thirty (30) days after a statement is provided to him or her, the amount of expenses incurred by the Township may be paid from the Township general fund and the amount thereof may be assessed against the premises by placing the amount on the next general assessment roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense, said lien to be enforced in the manner prescribed by the general laws of the State providing for the enforcement of tax liens. Expenses incurred by the Enforcement Officer in abating a nuisance under this Ordinance shall also include any administrative fees and/or legal expenses.

## **SECTION 12: SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid 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 13: REPEAL**

Upon the effective date of this Ordinance, Township of Hartland Ordinance No. 49 – Nuisances, is hereby repealed. In the event another federal, State, County or Township statute, ordinance, rule or regulation is more restrictive than the provisions of this Ordinance, then the more restrictive provisions shall control.

## **SECTION 14: EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days following publication of its Notice of Adoption.

## EXHIBIT A

### Prohibited Plant Species

<i>Cabomba caroliniana</i>	Fanwort
<i>Cylindrospermopsis raciborskii</i>	Cylindro
<i>Egeria densa</i>	Brazilian elodea, also known as Anacharis
<i>Fallopia japonica</i>	Japanese knotweed
<i>Heracleum mantegazzianum</i>	Giant Hogweed
<i>Hydrilla verticillata</i>	Hydrilla
<i>Hydrocharis morsus-ranae</i>	European frogbit
<i>Lagarosiphon major</i>	African oxygen weed
<i>Myriophyllum aquaticum</i>	Parrot's Feather
<i>Nitellopsis obtusa</i>	Starry Stonewort
<i>Nymphoides peltata</i>	Yellow Floating Heart
<i>Salvinia molesta, auriculata, biloba, or herzogii</i>	Giant Salvinia
<i>Trapa natans</i>	Water Chestnut

### Restricted Plan Species

<i>Butomus umbellatus</i>	Flowering Rush
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phragmites australis</i>	Phragmites or Common Reed
<i>Potamogeton crispus</i>	Curly Leaf Pondweed

Prohibited Noxious Weeds

<i>Agropyron repens = Elytrigia repens</i>	quackgrass
<i>Cardaria draba</i>	whitetop = hoary cress = perennial peppergrass
<i>Carduus acanthoides</i>	plumeless thistle
<i>Carduus nutans</i>	musk thistle
<i>Centaurea maculosa</i>	spotted knapweed
<i>Centaurea picris</i>	Russian knapweed
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	bull thistle
<i>Convolvulus arvensis</i>	field bindweed
<i>Convolvulus sepium</i>	hedge bindweed
<i>Cuscuta spp</i>	dodder
<i>Cyperus esculentus</i> , both seed and tubers	yellow nutsedge, chufa
<i>Euphorbia esula</i>	leafy spurge
<i>Ipomea species</i>	morning glory
<i>Nasella trachoma</i>	serrated tussock
<i>Solanum carolinense</i>	horsenettle
<i>Sonchus arvensis</i>	perennial sowthistle
<i>Sorghum halapense</i> , including <i>sorghum almum</i> and seed which cannot be distinguished from johnsongrass	johnsongrass
<i>Tribulus terrestris</i>	puncturevine

Restricted Noxious Weeds

<i>Abutilon theophrasti</i>	Velvetleaf
<i>Allium canadense</i>	Wild onion
<i>Allium vineale</i>	Wild garlic
<i>Avena fatua</i>	Wild oat
<i>Barbarea vulgaris</i>	Yellow rocket
<i>Berteroa incana</i>	Hoary alyssum
<i>Brassica juncea</i>	Indian mustard
<i>Brassica nigra</i>	Black mustard
<i>Datura stramonium</i>	Jimsonweed
<i>Daucus carota</i>	Wild carrot
<i>Plantago lanceolata</i>	Buckhorn plaintain
<i>Raphanus raphanistrum</i>	Wild radish
<i>Rumex crispus</i>	Curled dock
<i>Seteria faberii</i>	Giant foxtail
<i>Sinapis arvensis</i>	Charlock
<i>Solanum species</i> : including all of the following species and any other species with indistinguishable seed:	Nightshade complex
<i>Solanum dulcamara</i>	Bitter nightshade
<i>Solanum eleagnifolium</i>	Silver leaf nightshade
<i>Solanum nigrum</i>	Black nightshade
<i>Solanum ptycanthum</i>	Eastern black nightshade
<i>Solanum sarrachoides</i>	Hairy nightshade
<i>Thalspi arvense</i>	Fanweed
<i>Xanthium strumarium</i>	Cocklebur