

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO. 165**

**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE UNDER THE AUTHORITY OF PUBLIC ACTS 359 OF 1947, 246 OF 1945, AND 167 OF 1917, AS AMENDED, AND PURSUANT TO THE STATUTES AND LAWS OF THE STATE OF MICHIGAN; TO PROVIDE FOR THE ELIMINATION, REDUCTION OR PREVENTION OF BLIGHT, PUBLIC NUISANCES AND DANGEROUS BUILDINGS OR STRUCTURES WITHIN SUPERIOR CHARTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN; TO PROVIDE FOR ENFORCEMENT THEREFOR; AND TO ESTABLISH A PENALTY FOR VIOLATION.**

**THE CHARTER TOWNSHIP OF SUPERIOR ORDAINS:**

**DIVISION 1. GENERALLY**

**Section 165.01. Definitions.** The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

A. "Public Nuisance" means a thing, condition, or use that annoys, inconveniences, injures or endangers the public health, safety, comfort, or repose; offends public decency; litters or pollutes, interferes with, obstructs, or renders dangerous any road, street, highway, lake, river or stream; or in any way renders the public insecure in life or property because of offensive odors, noises, substances, smoky ashes and soot, dust, gas, fumes, chemical diffusion, smog, disturbances and vibrations of the earth, water, air, or structures, emanations, or sights 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.

B. "Dangerous Building" shall include any building or structure whether constructed or maintained for residential, commercial, industrial or other use that has 1 or more of the following defects or is in 1 or more of the following conditions:

- (1) A door, aisle, passageway, stairway, or other means of exit does not conform to the approved fire code of the city, village, or township in which the building or structure is located.

- (2) A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of this act or a building code of the city, village, or township in which the building or structure is located for a new building or structure, purpose, or location.
- (3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (4) A portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by this act or a building code of the city, village, or township in which the building or structure is located.
- (5) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (6) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- (7) The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
- (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- (9) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (10) A building or structure remains unoccupied for a period of 180 consecutive

days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2501. For purposes of this subdivision, "building or structure" includes, but is not limited to, a commercial building or structure. This subdivision does not apply to either of the following:

- (a) A building or structure if the owner or agent does both of the following:
  - (i) Notifies a local law enforcement agency in whose jurisdiction the building or structure is located that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement agency by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
  - (ii) Maintains the exterior of the building or structure and adjoining grounds in accordance with this act or a building code of the city, village, or township in which the building or structure is located.
- (b) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies a local law enforcement agency in whose jurisdiction the dwelling is located that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the law enforcement agency not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling including, but not limited to, a vacation home, hunting cabin, or summer home, that is occupied by the owner or a member of the owner's family during part of a year.

**Section 165.02. Nuisance Prohibited.**

A. General Prohibition. It shall be unlawful for any person to cause or permit the existence and continuance of a public nuisance.

B. Specific Prohibitions. The following acts, services, apparatus and structures are hereby declared to be public nuisances:

- (1) The maintenance of polluted or stagnant ponds or pools of water on the earth or in any holding tank or vessel;
- (2) The throwing, placing, depositing, or leaving, by any person, any animal or vegetable substance, dead animal, fish, shell, tin cans, bottles, glass, or other rubbish, dirt, excrement, filth, unclean or nauseous water or other fluids, hay, straw, soot, garbage, swill, animal bones, hides or horns, rotten soap, grease or tallow, offal, or any other offensive articles or substances whatever in any stream, river, lake, street, highway, lane, alley, public place or premises or in any private place or premises where such throwing, placing, depositing or leaving is dangerous or detrimental to the public health, likely to cause sickness or attract flies, insects, rodents and/or vermin;
- (3) 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 creamery or industrial waste;
- (4) The emission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities;
- (5) An immoral, obscene or illegal act which is committed in any vehicle on any street, highway, lane, alley or other public place;
- (6) Betting, bookmaking, and/or the keeping or maintaining of any gambling book, gambling devices, and all apparatus used in such occupations or for such purposes;
- (7) The keeping or maintaining of any residence, building or structure for the purpose of prostitution, the sale of illegal drugs, or other illicit, immoral or illegal sexual activity, acts or purposes;
- (8) The distribution of prescription medicines or drugs, or samples of prescription medicines or drugs, except by a licensed pharmacist or physician to an adult person over 18 years of age;
- (9) Keeping, maintaining, or storing any explosives, flammable liquids or other hazardous materials or substances in amounts, or pursuant to a method, contrary to the provisions of this Code, state statutes, or any ordinance of this Township;

## **DIVISION 2. DANGEROUS STRUCTURES**

### **Section 165.03. Dangerous Buildings and Structures Prohibited.**

A. General Prohibition. It shall be unlawful for any owner, tenant, lessee, agent of an owner, or other person in possession or control of property located in Superior Charter Township to allow, keep or maintain a dangerous building as defined in this ordinance.

B. Notice and Appointment of Hearing Officer. Upon a determination by the Township Board, or the Township Supervisor designated enforcement person or agency, that a dangerous building exists, the Board, or the designated person or agency, shall issue a notice to the owner, agent, or lessee of the property that appears on the last local tax assessment records and to such other persons who are known to the Township to have an interest in the property, or who might be discovered upon a reasonable inquiry. The notice shall comply with all of the following:

- (1) The notice shall state that the building or structure is a dangerous building and specify in what respects it is declared to be so.
- (2) The notice shall fix a time and date upon which the owner, agent, or lessee shall have an opportunity to appear and show cause why the structure is not a dangerous building and why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
- (3) The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.
- (4) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure.
- (5) The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.
- (6) A copy of the notice shall be filed with the hearing officer.

The Township Supervisor shall recommend and the Board shall appoint a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization as a hearing officer. The hearing officer shall not be an employee of the Township.

C. Hearing; Testimony; Determination and Orders; Failure to Appear or Non-Compliance with Order; Enforcement; Reimbursement and Notice of Costs; Lien; Remedies.

- (1) At the hearing prescribed by subsection (B) above, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than 5 days after completion of the hearing, the hearing officer shall

render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained. If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall enter an order that specifies what action the owner, agent, or lessee shall take and set a date by which the owner, agent, or lessee shall comply with the order. The order shall also specify the time within which such work shall be commenced and the necessary permits to be obtained by the owner, agent, or lessee. If the building is a dangerous building under Section 1(B)(10) of this Ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.

(2) The Township Board shall set a date not less than 30 days after the show cause hearing for a hearing on the findings and order of the hearing officer. The Board shall give notice to the owner, agent, or lessee in the manner prescribed in subsection (B) of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The Board shall either approve, disapprove, or modify the order. If the Board approves or modifies the order, it shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. The Township Board may extend such period for good cause shown. For an order of demolition, if the Board determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

(3) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under this section, the hearing officer shall file a report of the findings and a copy of the order with the Township Board not more than 5 days after the date for compliance set in the order and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in subsection (B) above.

D. Penalty. A person who fails or refuses to comply with an order approved or modified by the Board under this Section within the time prescribed is guilty of a misdemeanor punishable by imprisonment of not more than 90 days and a fine of not more than \$500.00, or both.

E. Appeal. The owner, agent, or lessee shall have the same right of appeal to circuit court for any final decision or order of the Township as is otherwise provided for under the statutes and laws of the State of Michigan.

F. Abatement. If, at the expiration of any time limit in the order, the owner, lessee, or agent has not complied with the requirements of the order, the Township may carry out the requirements of the order. The cost of such abatement shall be charged against the premises and the owner, lessee or agent thereof in accordance with the provisions of Sections 5, 6, and 7 of MCLA 125.541, and MCLA 125.541(a) which are hereby adopted and incorporated herein by reference, and such other provisions in this ordinance and law which may apply.

G. Emergency Abatement. The Township Supervisor may abate any such public nuisance, if the public safety requires immediate action, without preliminary order of the Township. Thereafter, the cost of abating such nuisance shall be charged against the premises and the owner of the premises in accordance with the provisions of subsection "F" above.

H. Other Remedies. Nothing contained in this division shall be construed to limit or abrogate the right of the Township to seek any other remedy permitted by law including, specifically, the right to seek abatement of any dangerous building or other nuisance through circuit court action.

### **DIVISION 3. BLIGHT**

#### **Section 165.04. Blight Prohibited.**

A. Purpose. It is the purpose of this division to prevent, reduce or eliminate potential blight in the Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or may in the future exist in the Township.

B. Enforcement of Division. This division shall be enforced by such persons who shall be designated by the Township Supervisor.

C. Causes of Blight. It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. 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) In any area, except where specifically permitted by zoning or other applicable ordinance, 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, except in a completely enclosed building. For the purpose of this division, the terms "junk automobiles," "junk motor- driven vehicles," "trailers in disrepair," "contractor's equipment in disrepair," or "boat hulls in disrepair" shall include any such article which is not licensed for use upon the highways of the state, or lakes and waterways, for a period in excess of 48 hours; and shall also include, whether so licensed or not, any of the above enumerated articles which are inoperative for any

reason for a period in excess of 14 days.

- (2) In any area, except where specifically permitted by zoning or other applicable ordinance, the storage upon any property of building materials unless there is in force a valid building permit issued by the Township for construction upon such property, and the materials are intended for use in connection with such construction, except the temporary storage of building materials which are stored within an enclosed structure and are otherwise not of a nature to be unsightly or a cause of blight. 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 the construction of any structure.
- (3) In any area, except specifically permitted by zoning or other applicable ordinance, 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 terms "junk" shall include parts of machinery or motor vehicles, unused stoves or other unused appliances stored in the open, remnants of wood, metal or other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.
- (4) In any area, the existence of any building or structure or part of any structure which is a dangerous building as defined by this ordinance.
- (5) In any area zoned for residential, commercial or office purposes, the existence of any vacant dwellings, garages or other outbuildings unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.
- (6) In any area, the existence of any partially completed structure, unless such structure is in the course of completion in accordance with a valid and subsisting building permit issued by the Township and unless such construction is completed within a reasonable time.
- (7) In any area, the existence of any tree or other growth infected by disease, injurious insects, or other dangerous condition that detrimentally affects other trees, plants, or growths, or otherwise detrimentally affects the public health, safety and welfare.

D. Notice. The owner, if possible, and the occupant of any property upon which the causes of blight or blighting factors set forth herein are found to exist, shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten days after service of the notice upon him. Such notice shall be served by certified mail addressed to the owner and occupant of the property where the blighting factor or cause exists. 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.

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

**Section 165.05. Penalty.** Except as otherwise provided for in this Ordinance, any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of this Ordinance, or who shall fail to do what is required by the terms of the Ordinance, is responsible for a municipal civil infraction and shall pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL ' 600.8701 et. seq., as amended. Except as otherwise provided for herein, if a person admits responsibility at the Township Municipal Civil Infraction Violations Bureau, or is found responsible for a municipal civil infraction violation citation under this Ordinance, a civil fine shall be assessed as follows:

**1st offense** - Minimum fine of one hundred dollars (\$100.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;

**1st repeat offense** - Minimum fine of two hundred dollars (\$200.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;

**2nd repeat offense** - Minimum fine of three hundred dollars (\$300.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees.

For the purpose of this section, a repeat offense means a second or subsequent violation of the same requirement or provision of this Ordinance. Nothing in this section shall be interpreted as abrogating the Township’s right to proceed with an appropriate equitable action in the Washtenaw County Circuit Court to enjoin and/or abate any violation of the terms of an Ordinance. Each day that a violation is permitted to continue shall constitute a separate offense. The imposition of a sanction for violation of this Ordinance shall not exempt the offender from compliance with the requirements of the Ordinance so violated.

**Section 165.06. Severability.** The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

**Section 165.07. Repeal.** Ordinance provisions that are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed. This Ordinance specifically repeals and replaces Ordinance No. 138, as amended.

**Section 165.08. Savings Clause.** The repeal provided herein shall not abrogate or affect any offense committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution occurring prior to the effective date hereof.

**Section 165.09. Publication and Effective Date.** The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the date of final publication of the Ordinance.

This Ordinance was duly adopted by the Superior Charter Township Board at its regular meeting called and held on the 4th day of April, 2005, and was ordered given publication in the manner required by law.

---

Kay Williams, Clerk  
Charter Township of Superior

---

William McFarlane, Supervisor  
Charter Township of Superior

**CERTIFICATE**

I, Kay Williams, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Superior Charter Township Ordinance No. 165, which was duly adopted by the Township Board of Superior Charter Township at a regular Meeting of said Board, held on April 4, 2005, after said ordinance had previously been introduced at a regular Meeting of the Board held March 21, 2005, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

---

Kay Williams, Clerk  
Charter Township of Superior

Dated: April 4, 2005