

VILLAGE OF AUGUSTA

ORDINANCE NO. 126

PUBLIC NUISANCE ORDINANCE

Adopted. October 11, 1976

Effective: October 31, 1976

An ordinance defining and prohibiting nuisances in the Village of Augusta, providing for the abatement thereof, and prescribing penalties for the violation of its provisions.

THE VILLAGE OF AUGUSTA

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I.

Public or Legal Nuisance

Any public nuisance or legal nuisance as determined by Michigan law shall be prohibited and shall be deemed a violation of this Ordinance. Public nuisances shall include, but shall not be limited to, the following violations of this Ordinance.

SECTION II.

Public Nuisances

The following acts and structures are hereby declared to be public nuisances:

1. The accumulation or dumping of earth, mortar, stone, brick, wood, or any similar substances (other than temporarily when construction is in progress). Also the accumulation of any ashes, stone, manure, filth, excrement, garbage, litter debris or trash on any property.
2. The keeping of any horse, cattle, sheep, swine goats, or other live-

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stock or fowl within the village limits, unless a permit has been issued by the village, which permit shall be based upon the following:

- a) No such animals are kept within 100' of any residence on separate property unless the owner thereof consents in writing.
 - b) The animals are enclosed by adequate fencing.
 - c) The area is kept reasonably clean and free of offending matter including manure.
 - d) Not more than one (1) such animal is kept per one (1) acre of land, unless all adjoining property owners consent in writing to allowing more, but then not more than two (2) such animals per acre.
3. The emission of noxious fumes or gas other than the burning of ordinary fuels, but prohibiting the burning of garbage.
 4. Maintaining a privy or outdoor closet with village limits.
 5. The stopping of any vehicle containing any substance with an offensive odor, within the Village, unless due to traffic conditions or regulations or for picking up residential or commercial refuse.
 6. All uncovered basements, abandoned walls, shafts or similar excavations.

SECTION III.

Procedure for Abatement

All nuisances shall be brought to the attention of the enforcement officer or Police Chief, who is empowered to enforce this ordinance. If, upon inspection, such a nuisance exists, notice shall be served upon the owner or violator by regular mail at his last known address or by personal service and shall include the following:

1. A thorough explanation of the nature of the violation.
2. A statement of the time allowed for abatement, which shall be determined by the enforcement officer, not to exceed thirty (30) days.
3. A statement of the penalty for non-compliance.

4. Notice of intent by the Village of Augusta of summary abatement if the nuisance is not corrected within the time allowed.

SECTION IV.

Summary Abatement

Summary abatement shall be carried out by the Village if the nuisance has not been corrected within the time allowed, subject to Section VI, below; or in cases where it reasonably appears that there is immediate danger to the life or property of any person unless the nuisance in question is immediately corrected.

SECTION V.

Recovery of Cost of Summary Abatement

Such costs other than court costs or legal expenses, as are incurred by the village under Section IV, shall immediately become a debt due the village from the person or persons to whom they are assessed. If such debt is not paid within 90 days after the bill for same has been rendered, the amount in arrears, together with interest and penalties as provided by law for delinquent taxes, shall be placed upon the tax roll as a charge against the property upon which such order was carried out, and shall remain as a lien against said property, and may be collected in the same manner as other village taxes. Or, the village may institute proceedings in court to compel collection of same.

SECTION VI.

Appeal

Any person charged with violation of this ordinance shall have the right to appeal the decision of the enforcing officer to the village council at the next meeting of the council after the notification of violation is received.

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The village council shall review the matter including taking testimony if necessary, and shall either affirm or amend the decision of the enforcement officer, providing notice of the hearing is given to all interested persons and same have had a chance to be heard.

SECTION VII.

Penalties

Any person, firm, or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not to exceed one hundred dollars (\$100), or be imprisoned in the County Jail for a period of not more than ninety (90) days, or both. Each day that an offense continues shall be deemed a separate offense.

SECTION VIII.

Separability

Should any part or portion of this ordinance be declared illegal or unconstitutional, such portion shall not be deemed to offset the validity of any other part or portion thereof.

SECTION IX.

Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION X.

Effective Date

This ordinance shall take effect twenty (20) days after passage and

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after posting and/or publication as required by law.

I hereby certify that the above Ordinance No. 126 was duly enacted by the Village Council at a regular meeting of the Council held October 11, 1976; that copies of said Ordinance were posted in three (3) public places within the Village geing the U. S. Post Office, Baxter's Pharmacy and the Village Hall bulletin board.


MARCEA C. SCHWARTZ, CLERK
VILLAGE OF AUGUSTA