

An ordinance for the Abatement and Removal of Nuisances Dangerous to Persons or Property in the Township of Beaver Creek, to provide for Hearings in Connections Therewith and Penalties for Violation Thereof.

The Township of Beaver Creek Ordains:

Section 1. That from and after the effective date of this ordinance it shall be unlawful and shall be deemed a violation thereof for any person, firm or corporation to commit. Create or maintain any public nuisance within the Township of Beaver Creek.

Section 2. For the purpose of this Ordinance a public nuisance shall be defined to be Whatever annoys, injures or endangers the public comfort, convenience, safety, health or offends public decency, interferes with, obstructs or renders dangerous any public place, street, highway or stream, or in any way renders the public insecure in health, life or property, and shall include but not be limited to any of the following specific provisions:

- (a) DANGEROUS STRUCTURES. No person shall maintain any building or structure which constitutes a fire hazard, or is unsafe, or a menace to the health, morals or safety of the public.
- (b) TREES, SHRUBS AND PLANTS. Any tree, shrub or plant which because of its nature or condition shall constitute a danger to property, or to the health or safety of the public, is hereby declared to be a public nuisance and shall be removed by the owner or occupant of the land on which the same is found.
- (c) No person shall permit or allow any empty cans, food containers, broken or whole bottles, crockery or utensils of any kind, automobile bodies or parts, or stoves, ice-boxes, parts or any machinery or any litter, flammable matter or substance, offal, ashes, rubbish, refuse, waste paper, industrial by-products or wastes, clinkers, cinders, either upon the land owned, occupied, or used by any individual or company, or upon any land in any public place or privately owned of another, or where the same to be so used to create a fire hazard, attract flies, rodents or vermin, or as to emit offensive or unhealthy odors, or so as to permit any of the same to be blown or scattered on adjoining lands by the wind.

Section 3. Enforcement. It shall be the duty of the Supervisor of the Township to enforce this ordinance on behalf of the Township Board.

- (a) By prosecuting the person, firm or corporation for any violation of this ordinance.
- (b) By causing the nuisance to be immediately abated, without notice, provided such nuisance shall constitute an imminent danger to the public health or safety, or to property.
- (c) By causing written notice to be served upon the owner or occupant of any premises on which a nuisance shall exist to abate the same forthwith, provided, that if, after service of such notice the owner or occupant shall fail to abate such nuisance within 30 days from the date of

such service, then the same may be abated by the Township at the cost of such owner or occupant.

- (d) In the event any nuisance shall be abated by the Township the cost of such abatement shall be borne by the owner or occupant of the premises on which such nuisance existed and such cost may be recovered by action at law or by special assessment on the property on which the nuisance existed.
- (e) In addition to the foregoing remedies the continuance of any such nuisance may be enjoined at the suit of the Township on any court of competent jurisdiction.

SECTION 4. APPEAL TO COUNCIL. In any proceeding to enforce this ordinance if any person shall feel himself aggrieved at the action taken he shall have the right to appeal to the Township Board of said Township, PROVIDED, that such appeal shall be in writing and shall be delivered to the Clerk of said Township on or before 5 days from the date of which the proceeding complained of occurred.

SECTION 5. PENALTY FOR VIOLATION. Any person who fails to comply with any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not over \$100.00, or by imprisonment in the county jail for not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court.

SECTION 6. SEVERANCE CLAUSE. If any section or provision of this ordinance shall be held by any court to be unconstitutional or invalid, the same shall not be held to affect any other section or provision thereof.

SECTION 7. All ordinances or parts of ordinances inconsistent with the provisions hereof are being repealed.

SECTION 8. This ordinance shall become effective on the 1st day of September, 1981.

I hereby certify that the foregoing is a true and complete copy of an ordinance offered and adopted by the Beaver Creek Township Board at a regular meeting held on the 13th day of July, 1981.

Florence Nelson Clerk
Florence Nelson