

STATE OF MICHIGAN

COUNTY OF IOSCO

THE CHARTER TOWNSHIP OF AUSABLE

ORDINANCE NUMBER 93

**NUISANCE ABATEMENT ORDINANCE**

Effective November 16, 2005

THIS IS AN ORDINANCE TO PRESERVE THE PEACE, WELFARE, ORDER, HEALTH, AND SAFETY, OF PERSONS AND PROPERTY IN THE CHARTER TOWNSHIP OF AUSABLE, AND TO PRESCRIBE VARIOUS PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

**THE CHARTER TOWNSHIP OF AUSABLE DOES HEREBY ORDAIN:**

Section 1. **TITLE AND PURPOSE**

This Ordinance shall be known and may be cited as AuSable Township Ordinance Number 93. The Township, as allowed by law, hereby declares by this ordinance, that it is purpose and intent of this ordinance to preserve the peace, welfare, order, health, and safety, of persons and property in the Charter Township of AuSable, and to prescribe various penalties for the violation of the provisions of this ordinance and to repeal any ordinances or parts of ordinances in conflict therewith.

Section 2. **DEFINITIONS**

1. The word "**persons**" or "**person**" as used in this ordinance means a natural person and also includes corporations, partnerships and associations and their officers and officials existing and are authorized to exist under the laws of the State of Michigan or of any other state or any foreign country. Additionally "persons" may include either one of several, or all property owners of said property and/or renters of same, or people in temporary possession and/or control of any real estate and/or any item of personal property creating a violation of the provisions of this ordinance.

2. The word "**nuisance**" as referenced in this ordinance, means any act(s) or omission(s) to act on the part of any person as defined above, which creates, allows or provides for the existence of an occurrence, or situation which annoys, injures, or endangers the peace, welfare, order, health, or safety of the public and their persons or property, or adversely affect the value of any real or personal property of any other person and/or municipality. As defined herein, a nuisance includes, but is not limited to conditions which render persons insecure as it relates to their own personal safety, health and welfare, or in the use and enjoyment of their property, and/or the value of same, whether that property be real and/or personal property, such as any adverse effects as a direct consequence from noise and/or sounds of any sort, glare, lights, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, or other living animals and/or organisms including rodents, flies, decaying matter, or waste matter and/or unsightly junk (including but not limited to inoperable vehicles, a collection of refuse material, including but not limited to wood, building materials, tires, and the like), as well as the manner in which a property is maintained, including but not limited to a failure to mow grass and/or a lawn and/or otherwise fail to maintain a premises and/or structure. A nuisance also includes residues, or leaching from deposits of matter, which seep into the water on the surface or on the ground, thereby making it unfit or unpalatable for human consumption and/or occupation, or for use by domestic animals. Nuisance also includes a condition, which is indecent, obnoxious or offensive to the senses. A nuisance may also include loud music emanating from either a motor vehicle, structure, or played outside, in a loud obnoxious and/or offensive manner, especially if such sound and/or other nuisance as is defined herein, can be heard, observed, or felt, on a public roadway or on or upon adjoining parcels of property, with separate ownership and/or rights of possession of same.

### Section 3. **PENALTY**

1. Any person who creates, causes, allows, suffers or permits the existence of a nuisance shall be guilty of a misdemeanor. Each day that such nuisance is permitted to exist shall constitute a separate misdemeanor. Any person who is convicted of such a misdemeanor shall be punished by a fine not in excess of \$100.00 or by imprisonment in the Iosco County Jail for a period not to exceed 90 days, or both such fine and imprisonment in the discretion of the Judge imposing sentence, plus costs of prosecution and any court costs. Each day the nuisance is determined to have existed may constitute a separate offense.
2. Furthermore, the CHARTER TOWNSHIP OF AUSABLE may enforce this ordinance by way of civil infraction, being Ordinance Number 75, or any amendment thereto, as well as any action as allowed by law, including but not limited to any action in either the district and/or circuit court of the County of Iosco, State of Michigan, and/or in the appropriate court of federal jurisdiction, all as the circumstances may warrant.
3. In addition to any and all other penalties as provided herein, that any fines, costs, and/or other fees assessed shall be applied by the Township against the Township tax rolls for purposes of collection as would any other amounts of monies as otherwise taxed, including but not limited to any assessment of interest, administrative costs or other fees associated therewith.

Section 4. **ABATEMENT**

It is the duty of the person who creates, causes, allows, suffers or permits the existence of a nuisance, to abate the same. The term "abate" or "abatement" shall include demolition removal, repair, maintenance, construction, reconstruction, replacement and reconditioning of structures, appliances, appurtenances or equipment; and it shall also include removal, transportation, buying, disposal and treatment of refuse, manure or other substance or media capable of causing obnoxious odors or of attracting or breeding flies, and the application of chemicals, insecticides or other substances or the use of mechanical means to control, eradicate and eliminate the nuisance conditions, including screen-belts of trees and fences.

Section 5. **ENFORCEMENT**

The supervisor is hereby authorized to enforce this ordinance, and he/she may delegate the enforcement to any administrative official or employee of the township. The township may seek abatement of a nuisance and such other relief as may be obtained by civil proceedings in court. This is in addition to and not in derogation of prosecutions for violations of this ordinance under Section 3 hereof.

Section 6. **SEVERABILITY**

The various sections, parts, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 7. **CONFLICTING LAWS**

If any term of this ordinance conflicts with any previous ordinance, this ordinance shall prevail. Unless otherwise provided for herein, any section of any previous ordinance shall remain in full force and effect.

Section 8. **EFFECTIVE DATE**

This ordinance shall become effective on November 16, 2005. At a regular meeting of the AuSable Township Board held on the 7<sup>th</sup> day of November 2005, adoption of the foregoing ordinance was moved by Gary and support by Reeder.

Voting for: Mitchell, Gary, Reeder, Poland, Barnes, Beliveau

Voting against: Hayes

The Supervisor declared the Ordinance Adopted.

TOWNSHIP of AuSable

Dated: November 8, 2005

Dan Hayes  
By: Dan Hayes  
Its: Supervisor

Dated: November 8, 2005

Lynn Mitchell  
By: Lynn A. Mitchell  
Its: Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance Number 93, which was enacted by the AUSABLE TOWNSHIP Board at a regular meeting on the 7<sup>th</sup> day of November 2005.

Dated: November 8, 2005

Lynn Mitchell  
By: Lynn A. Mitchell  
Its: Clerk

This Ordinance shall be effective immediately upon publication after adoption November 16, 2005.