

**NUISANCE ABATEMENT ORDINANCE
ORDINANCE NO. 2013-11
REPUBLIC TOWNSHIP
MARQUETTE COUNTY, MICHIGAN**

This Ordinance preserves the peace, welfare, order, health and safety of persons and property in the Township, and to prescribe a penalty for the violation of the provisions of this Ordinance.

THE TOWNSHIP OF REPUBLIC, MARQUETTE COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1: Definitions

1. The word “persons” or “person” as used in this ordinance means a natural person; also included are corporations, partnerships and associations and their officers and officials, that exist under, or authorized to exist under, the laws of the State of Michigan or of any other state or foreign country.
2. The word “nuisance” as used in this ordinance, means any act, or acts, or omission to act on the part of any person which creates, or permits the existence of a situation which annoys, injures or endangers the peace, welfare, order, health or safety of the public, in their persons or property. As defined herein, a nuisance includes, but is not limited to, conditions which render persons insecure in life, or in use and enjoyment of their property, such as effects and emanations from noise, glare, lights, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, decaying matter, whether such effects and emanations are natural or result from human or mechanical alteration or manipulation of materials. A nuisance also include residues or leaching from deposits of matter which seep into water on the surface or in the ground, thereby making it unfit or unpalatable for human consumption, or for use by domestic animals. A nuisance includes a condition which is indecent, obnoxious, or offensive to the senses. As used in this Ordinance, the following terms shall have the meanings prescribed in this section.
 - A. “Building Materials” includes, but is not limited to, lumber. Bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in construction of any structure.
 - B. “Exotic Animal” means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property.
 - C. “Garbage” means rejected food waste, including waste accumulation of animal, fruit or vegetable matter used or intended for food that relates to the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables. “Garbage” does not include a compost pile that consists of decaying organic substances intended for fertilizing land.

- D. "Junk" by way of example and not limitation, the term shall include used or salvaged metals, and their compounds, or combination of used or salvaged rope, rubber, tires or car parts.
- E. "Liquid Industrial Wastes" means any liquid brine, by-product, industrial wastewater, leachate, off specification commercial product, sludge, grease trap clean out residue, used oil, or other liquid waste produced by, incident to, or resulting from industrial or commercial activity except any liquid brine normally used or stored in regard to oil or gas extraction on a site permitted by the Michigan Supervisor of Wells.
- F. "Owner of Dog" means any person or persons owning or harboring a dog. Any person who harbors a dog on or about property, owned or occupied by that person for a period of five (5) days, shall be deemed the owner of such animal.
- G. "Person" means an individual, form, corporation, association, partnership, limited liability company or other legal entity.
- H. "Rubbish" means non-putrid solid wastes, including ashes, paper, cardboard, metal containers, glass, bedding, crockery, bags and demolished materials.
- I. "Sealed Container" means a covered, closeable container, which is rodent proof, fly proof and water tight; such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.
- J. "Totally closed structure" means a building capable of being sealed on all sides; such as a house, garage, or storage shed with a roof, floor and walls, or closeable doors around its perimeter.

The following are hereby declared to be nuisances:

- A. The following acts of vandalism, including but not limited to:
 - 1. The painting of GRAFFITI to any person's property.
 - 2. Keying or maliciously scratching another person's motor vehicle.
 - 3. Illegally cutting trees on property without the owner(s) permission.
 - 4. Errant firing of any firearm, including BB guns and other air rifles.
 - 5. Reckless and malicious use of paint guns causing injury or damage to other persons, property, or animals.
 - 6. Errant firing or use of discharging a firearm.
 - 7. Malicious destruction of another person's property within the Township; including littering of garbage, destruction of plants or plant material, damage to physical property or defacing any other person's dwelling or out buildings.
- B. The keeping or storage of building materials outside on private property, six (6) months after an occupancy permit is issued by the Marquette County Building Department. This subsection, however, shall not apply to building materials kept or stored outside on private property if the building material is kept or stored in an orderly fashion. As used in this subsection, the phrase "building material kept or stored in an orderly fashion" shall mean that all building material of the same type, including, but not limited to, lumber, (both stick and sheet wood), cement blocks, bricks, roofing material, and siding, shall be kept or stored together and not kept or stored intermingled with building material of a different type and shall be stacked in an organized fashion customary for that type of building material. By way of example and not limitation, stick lumber shall be piled with

all sticks substantially parallel to one another, sheet wood shall be piled one on top of another, with the area of one sheet covering as much as possible the area of the sheet beneath it. Cement blocks and bricks shall be stacked in the shape of a cube in such a manner that they will not fall of the stack, and siding shall be piled with each piece substantially parallel to one another.

- C. The Keeping or storage of: junk, garbage or rubbish outside of a totally enclosed structure on private property, except in a sealed container designed for the purpose of holding such junk, garbage or rubbish.
- D. The placing of junk, garbage or rubbish on private property, without the owner's permission, or on public property. This provision applied regardless of whether the junk, garbage or rubbish is in a sealed container.
- E. The keeping or storage o junk, garbage or rubbish on private property, including inside a building, in such a manner that the items, regardless of the method of containment, have become a breeding ground, food source or habitation of insects, rodents or vermin.
- F. Intentional depositing of liquid petroleum crude oil, liquid petroleum crude oil by-products and derivatives, or liquid industrial wastes on the ground.
- G. The existence of any vacant building, garage, house or outbuilding, unless such structure is kept secure from entry by the public.
- H. The distributing, placing, posting or affixing of posters, notices or handbills on private property with the consent of the owner or occupant, except as authorized or required by law.
- I. The harboring of any exotic animal within the Township.
- J. Being the owner of a dog, to permit or to allow another person to permit or allow his or her dog to do any of the following:
 - 1. To run at large within the Township
 - 2. To trespass upon another person's real property, or to in a any manner inure or destroy any real or personal property belonging to another person, including but not limited to breaking, or tearing open any garbage bag containing garbage or rubbish awaiting pickup, or otherwise spreading garbage or rubbish on another person's property.
 - 3. To create malodorous or offensive waste conditions on the owners' property, outside of a totally enclosed structure, or anywhere on the property of another person; or
 - 4. To whine, yelp, bark, howl or make sounds common to its species, such that said noise can be heard by any person from an adjoining lot line, or from the right-of-way of an adjoining public street, between the hours of 10:00pm and 6:00am or at any time in a habitual manner. For the purposes of this subsection, "habitual" means

whining, yelping, barking, howling or making other sounds that are common to its species on three (3) or more occasions, separated by at least one (1) hour within a one (1) week period.

Section 2: Penalty

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 \$500.00, or by imprisonment in the Marquette County Jail for a period not to exceed 90 days, or both such fine and imprisonment in the discretion of the judge.

Civil Infraction Option:

The Township Board shall have the option of pursuing compliance with any provision of this Ordinance, as a Municipal Civil Infraction, rather than as a criminal misdemeanor when, in the judgment of the Township Board, such course of action is appropriate. Any action pursued as a Municipal Civil Infraction shall be in accordance with the Township’s existing ordinances, and shall subject violators to civil fines and costs. Civil Fines shall be in accordance with the following schedule, as established by the Municipal Civil Infractions Ordinance.

Offense (violation) & Fine

Offense (Violation)	Fines
Failure to comply with any provision Of the Ordinance	\$100.00
First Repeat Offense	\$250.00
Second (or any subsequent) Repeat Offense	\$500.00

Costs may also be assessed as provided in the Ordinances. In no case, however, shall costs of less than \$9.00 be ordered. A violator of this Ordinance, shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law.

When violations are pursued under the Township’s ordinances, and the owner or responsible person does not correct conditions found to be in violation, and pay any civil fines and costs incurred, and or assessed; the Township shall have the right to pursue the matter as a criminal misdemeanor in accordance with the provisions of this Article.

Section 3: Abatement by the Township:

If after receiving due notice of a violation, the owner or person(s) responsible for any property on which the nuisance exists, fails to take the necessary corrective measures, the Township may elect to take direct action to abate or eliminate the nuisance. The Township shall notify the the

property owner or responsible person(s) in writing of the proposed Township action, and give ten (10) days in which the owner or responsible person(s) may eliminate the nuisance without intervention by the Township. The notice may be served personally, or may be sent by first-class mail to the last known address of the owner, or responsible person(s) of the premises. The time period shall commence on the date of the personal service, or in the case of mailing service, shall be deemed to have taken place on the date of mailing.

The cost of elimination of the nuisance by the Township, including reasonable attorney fees, may be collected in a lawsuit against the owner, or person(s) responsible for the property on which the nuisance existed; and/or against the person(s) who committed, created or maintained the nuisance.

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 or repair, maintenance, construction, reconstruction, replacement and reconditioning of structures, appliances, appurtenances or equipment. It shall also include removal, transportation, buying, disposal and treatment of refuse, manure or other substances 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 4: Enforcement

The Supervisor is hereby authorized to enforce this Ordinance and he/she may delegate the enforcement to the Ordinance Enforcement Officer. 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 derogations of prosecutions for violator of this ordinance under Section 2 thereof.