

**STATE OF MICHIGAN
COUNTY OF LIVINGSTON
TOWNSHIP OF MARION
LIVINGSTON COUNTY, MICHIGAN
MARION TOWNSHIP NUISANCE ORDINANCE NO. #24-01**

Section 1: Title:

This ordinance shall be known and cited as the Marion Township Nuisance Ordinance.

Section 2: Purpose

The purpose of this ordinance is to secure public health, safety and general welfare and to deter loud noises and disturbances of the peace, quiet and comfort of the residents and property owners of the township by any person, their possessions, or owned animal.

Section 3: Definition:

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 determined by the Township in its sole reasonable judgment. As defined herein, a nuisance includes, but is not limited to, conditions which render persons insecure in the 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, as determined by the Township in its sole reasonable judgment. A nuisance also includes 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, as determined by the Township in its sole reasonable judgment. A nuisance includes a condition which is indecent, obnoxious, or offensive to the senses, as determined by the Township in its sole reasonable judgment.

Section 4: Abatement:

If the Township finds a Nuisance, as defined above in its sole reasonable judgment, it shall be the duty of the person who creates, causes, allows, suffers, or permits the existence of a nuisance, to abate the same.

- 4.1 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 screening by vegetation and/or fences.
- 4.2 The Township shall determine in its sole reasonable judgment if the actions taken by a person who creates, causes, allows, suffers, or permits the existence of nuisance are sufficient to abate same.

Section 5: Procedure:

When a nuisance occurs, the following procedure shall be followed:

A) Offended party shall peaceably contact the offender to discuss/inform of the issue. If the offended party is unwilling/unable to contact the offender or there is no resolution then,

B) The Offended party shall notify the Township by filing a written complaint (containing information about who, what, when, where). The Township may provide a standardized form for collecting such complaints. The Township will then independently view the alleged nuisance contained in the written report to make an independent determination as to the existence of the nuisance in its sole reasonable judgment:

- B1) If the Township determines no nuisance exists, then it shall close the complaint and write a letter to the Offended party advising them of same;
- B2) If the Township determines that a Nuisance does exist, in its sole reasonable judgment, then the Township staff will attempt to resolve the issue with the Offending party,

C) In case there is no reasonable resolution, after a possible site visit by township staff, a further resolution may be attempted by the Township Supervisor taking one of the following administrative steps:

- C1) Scheduling a Board of Trustees show cause hearing for the Offending party,
- C2) Contacting Township Attorney to take legal action against the Offending party under this or any other legal ordinance of the Township,
- C3) Contacting other government agencies relating to the situation and issues involved and requesting assistance in resolving same, or
- C4) Take no further action.

Section 6: Violation, Enforcement, and Penalties:

Violation of this ordinance shall constitute a municipal civil infraction, subject to the penalties stated herein. The Supervisor is hereby authorized to enforce this ordinance, and he/she may delegate the enforcement to any administrative official, employee, or contractor of the Township, including the Township Attorney. The Township may, also, seek abatement of a nuisance and such other relief as may be obtained by civil proceedings in court, if the Offending Party is issued 3 or more Municipal Civil Infraction Tickets for the same nuisance offense in any sixty (60) day period. The penalties for each Municipal Civil Infraction Ticket shall be set forth as established in a Municipal Civil Infraction Ordinance of the Township.

Section 7: Saving Clause:

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Township of Marion declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 8: Effective Date of Ordinance:

That this Ordinance and the related rules, regulations, provisions, requirements, orders, and matters established shall take effect one day after publication, except any penalty provisions which shall take effect thirty (30) days after publication, pursuant to MCL 41.184 (2) (a) and (b).

Section 9: Repealer:

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

9.1 This Ordinance repeals and replaces Ordinance 19-01 in its entirety.

The Marion Township Nuisance Ordinance No. #24-01 can be purchased, examined, or inspected at the Marion Township Hall, 2877 Coon Lake Road, Howell, MI 48843, Monday through Thursday between the hours of 9:00 A.M. and 5:00 P.M.

Motion by Les Andersen supported by Scott Lloyd. Motion carried 6-1.

Tammy L. Beal, MMC
Marion Township Clerk

Date adopted by the Township Board: September 12, 2024

Date published by the newspaper: September 22, 2024

Name of the newspaper: Fowlerville News & Views

Effective date: October 22, 2024

Date filed with the Livingston County Clerk: September 18, 2024

Date recorded in Township's Ordinance Book: September 16, 2024