

# Nuisance Abatement Ordinance 101

An ordinance to preserve 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 JEROME, MIDLAND COUNTY, MICHIGAN, ORDAINS:

## Section 1: Definitions

A. 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 under or authorized to exist under the laws of the State of Michigan or of any other state or any foreign country.

B. 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 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 the use and enjoyment of their property, such as effects and emanations from inordinate noise, extreme lighting, 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 and repeated on multiple occasions or for extensive amounts of time.

C." Inordinate noise" as used in this ordinance. barking dogs, construction equipment, amplified musical instruments, trash trucks, off road vehicles, boats and loud parties are all examples of noise found in our community. Understandably, certain noise levels must be tolerated by all citizens in order for normal functions of community life to continue. However, excessive, unnecessary, and/or annoying noise is subject to regulation. A noise is considered inordinate and a nuisance when considering the following factors.

- The intensity of the noise is such that it is audible and distracting within 100 feet of a dwelling.
- The noise has been repeated on multiple occasions or for extensive amounts of time such as several times in the past month.
- The noise is unnecessary and preventable using normal or customary precautions or controls.
- The noise occurs during the normal quiet times from 11:00 PM to 7:00 AM.

Not all of the above noise consideration factors are required to apply to be deemed a nuisance.

43  
44 Businesses or farms operating within allowable zoning districts (or those non-conforming uses )  
45 shall not be deemed a nuisance to residential neighbors due to conditions that could reasonably  
46 be expected to be present with a business or farm operating during its normal business hours.  
47 Normal business hours are not necessarily daytime hours only.  
48

49 A nuisance between two individuals must be documented on at least two separate occasions and  
50 witnessed by a neutral third party on at least one occasion prior to action by the Township.  
51 Nuisances that impact a group of people (e.g. subdivisions or neighborhoods) must be filed with  
52 the Township by way of signed petition with at least three parties listed as complainant.  
53

54

55 **Section 2. Penalty – Civil infraction**

56 Any person who creates, causes, allows, suffers or permits the existence of a nuisance shall be  
57 guilty of a municipal civil infraction as defined by Michigan law and subject to a civil fine of not  
58 more than \$500.00, plus costs, which may include all direct or indirect expenses to which the  
59 Township of Jerome has been put in connection with the violation. In no case, however, shall  
60 costs of less than \$9.00 or more than \$500.00 be ordered.  
61

62

62 **Section 3. Additional Remedies**

63 In addition to the foregoing provisions relating to Penalties, the Township specifically reserves  
64 the right and shall have the authority to proceed in any court of competent jurisdiction for the  
65 purpose of obtaining an injunction, restraining order or other appropriate remedy to abate all said  
66 violations and the nuisances thereby created and to compel compliance with this Ordinance.  
67 Each day that a violation shall continue is to constitute a separate offense.  
68

69

69 **Section 4: Abatement**

70 It is the duty of the person who creates, causes, allows, suffers or permits the existence of a  
71 nuisance, to abate the same. The term “abate” or “abatement” shall include demolition removal,  
72 repair, maintenance, construction, reconstruction, replacement and reconditioning of structures,  
73 appliances, appurtenances or equipment; and it shall also include removal, transportation,  
74 burying, disposal and treatment of refuse, manure or other substance or media capable of causing  
75 obnoxious odors or of attracting or breeding flies, and the application of chemicals insecticides  
76 or other substances or the use of mechanical means to control, eradicate and eliminate the  
77 nuisance conditions, including screen-belts of trees and fences.  
78

79

79 **Section 5: Enforcement**

80 The Supervisor and Township Board are hereby authorized to enforce this ordinance, and he/she  
81 may delegate the enforcement to any administrative official or employee of the Township. The  
82 Township may seek abatement of a nuisance and such other relief as may be obtained by civil  
83 proceedings in court. This is in addition to and not in derogation of prosecutions for violations of  
84

85  
86

84 this ordinance under Section 2 hereof.

85

86 **Section 6. Certification**

87

88 This ordinance shall become effective on the ninth (9<sup>th</sup>) day following publication  
89 thereof.

90

91 Adopted by the Board of Trustees of the Township of Jerome, Midland County,  
92 Michigan on 12/13/10, 2010

93

94 Dated: 12/13/10

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

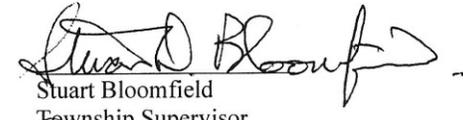
112

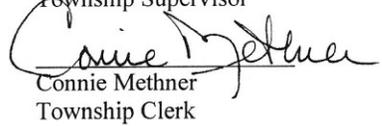
113

114

115

116

  
Stuart Bloomfield  
Township Supervisor

  
Connie Methner  
Township Clerk

**Certification**

The above Ordinance No. 101 was adopted at a meeting of the Jerome Township Board on the 13 day of December, 2010 and published in the Midland Daily News, a newspaper of general circulation in the Township of Jerome on the 5 day of January, 2010.

  
Connie Methner  
Township Clerk