

**Ordinance No. 15**

**NUISANCE ABATEMENT**

AN ORDINANCE TO PRESERVE THE PEACE, WELFARE, ORDER, HEALTH, AND SAFETY OF PERSONS AND PROPERTY IN ROLLIN TOWNSHIP, LENAWEE COUNTY, MICHIGAN, AND TO PRESCRIBE A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

**THE TOWNSHIP OF ROLLIN, LENAWEE 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 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 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. 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. A nuisance includes a condition which is indecent, obnoxious, or offensive to the senses.

**Section 2: 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 3: Enforcement**

The Supervisor and the Township Zoning Enforcement Officer are hereby authorized to enforce this ordinance, and either person may delegate the enforcement to any administrative official or employee of the Township or the Lenawee County Sheriff. 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 2 hereof.

**Section 4: Construction**

This ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body, or paint shop legally operating within the proper zone as defined in the Rollin Township Zoning Ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

**Section 5: Severability**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word or section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than the said part or portion thereof.

**Section 6: Penalty**

- A. Upon discovering a violation of this ordinance, the Zoning Enforcement Officer shall notify the violator orally or in writing by means of first class letter. Such notice shall give up to 5 days for the violation to be abated or a civil infraction shall be issued. No further notification is required for subsequent violations in a three year period.
- B. Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed as set forth in Ordinance 34 as amended, the Rollin Township Municipal Civil Infractions Ordinance.
- C. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret In addition this Ordinance or any provision of the Ordinance.
- D. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

**Section 7: Injunctive Relief**

As a cumulative remedy to Section 6, above, any violation of the provisions of this Ordinance may be made a defendant in a suit in the Lenawee County Circuit Court. The Township of Rollin shall have the power, through its attorney, to request the Circuit Court to issue an injunction compelling the defendant to forthwith comply with this Ordinance. The Township shall be entitled to receive actual attorney fees expended for enforcement of this Ordinance from any person found in violation.

**Section 8: Effective Date**

This ordinance shall take effect 30 days after the publication of this ordinance. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

We certify that the foregoing ordinance was duly enacted by the Township Board of Rollin Township, Lenawee County, Michigan on the 12<sup>th</sup> day of November, 2014.

  
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John Jenkins, Supervisor

  
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Denice Combs, Clerk

**NOTICE**  
**Ordinance No. 15 (Summary)**  
**Nuisance Abatement Ordinance**

**THE TOWNSHIP OF ROLLIN ORDAINS**

**Section 1: Definitions**

**Section 2: Abatement**

It is the duty of the person who creates causes, allows, suffers or permits the existence of a nuisance to abate the same.

**Section 3: Enforcement**

The Supervisor or his/her delegated official, employee or the sheriff is authorized to enforce this Ordinance.

**Section 4: Construction**

The Ordinance does not prevent the operation of certain businesses that is legally operating in Rollin Township.

**Section 5: Severability**

**Section 6: Penalty**

The Penalty is a civil infraction imposed in accordance with Ordinance 34, the Rollin Township Civil Infractions Ordinance. Injunctive declaratory or other equitable relief is available through a court of competent jurisdiction. A person who assists or enables the creation of this Ordinance shall be responsible for aiding and abetting and shall be considered too have violated the provision of the Ordinance.

**Section 7: Injunctive relief**

**Section 8: effective date**

Thirty days after publication.

This Ordinance was enacted on November 12, 2014 by the Rollin Township Board of Trustees.

For a copy of this ordinance you can call the township at 517-547-7786 or check our web-site at [twp.rollin.mi.us](http://twp.rollin.mi.us).

Submitted by Denice Combs, Township Clerk

*Pub 11-25-14 - Brecklyn Exponent*