

Milton Township Notice of Adoption of  
MILTON TOWNSHIP ORDINANCE 2010-13  
**MILTON TOWNSHIP NUISANCE ABATEMENT ORDINANCE**

Adopted: 12/20/2010

Effective: 01/31/2011

An ordinance to preserve the peace, welfare, order, health and safety of persons and property in the Township; to prescribe a penalty for the violation of the provisions of this ordinance; and to repeal all conflicting ordinances or parts of ordinances.

MILTON TOWNSHIP, located in Cass County, Michigan ORDAINS:

**Section 1: Title.** This ordinance shall be known and cited as the Milton Township Nuisance Abatement Ordinance.

**Section 2: 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 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 3: Abatement.** It is the duty of the person who creates, causes, allows, suffers or permits the existence of a nuisance, to abate the same as soon as possible. The term “abate” or “abatement” shall include, but not be limited to, demolition removal, repair, maintenance, constructions, 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. **In some limited instances, (such as, but not limited to: noise, glare, lights, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, or cinders) "abatement" shall mean immediate cessation or termination of the activity or operation causing the nuisance, as determined by the Ordinance Enforcement Official investigating the nuisance.**

**Section 4: Notice to Remove or Eliminate Nuisance.**

**A) Notice for Immediate Cessation or Termination of Nuisance: In limited nuisance situations that can be reasonably ended/terminated immediately, the Enforcement Officer shall verbally direct the owner, if possible, and the occupant of any property to take immediate action to remove/eliminate the nuisance. As so as practicable after such verbal notice, the Enforcement Officer shall issue written notification to the property owner about the incident, and the action or non-action taken to remove or eliminate such nuisance from such property.**

**B. Notice with Time Limits:** The owner, if possible, and the occupant of any property upon which any nuisance as set forth in Section 2, hereof, is found to exist shall be notified in writing to remove or eliminate such nuisance from such property within 14 days after service of the notice upon that person. Such Notice of Violation may be served personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such nuisance are in progress.

**Section 5: Enforcement.** This Ordinance shall be enforced by the Milton Township Ordinance Enforcement Officer, or other persons who shall be so designated by the Township Board.

**Section 6: Sanctions.** Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 <sup>st</sup> offense within 3-year period* -----	\$75.00	\$500.00
2 <sup>nd</sup> offense within 3-year period* -----	\$150.00	\$500.00
3 <sup>rd</sup> offense within 3-year period* -----	\$375.00	\$500.00
4 <sup>th</sup> or subsequent offense within 3-year period* ---	\$500.00	\$500.00

\*determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Milton Township has been put to in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 or more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

**Section 7: Violation – Civil Action.** The Township or any other person adversely affected by a violation of this Ordinance may commence a civil action in the Circuit court for an injunction, or other appropriate remedy, to prevent, enjoin, abate or otherwise prohibit continued violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

**Section 8: Severability.** The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**Section 9: No part of this Ordinance shall apply to Agricultural Operations protected by the Michigan Right to Farm Act, or to Legal Hunting Activities conducted pursuant to Michigan/DNRE laws/regulations.**

**Section 10: This Ordinance repeals and supersedes Ordinance 2007-04.**

**Section 11: Effective Date.** This Ordinance shall take effect 30 days after publication.

Michael Layher, Milton Township Clerk.