

STATE OF MICHIGAN
COUNTY OF HURON
TOWNSHIP OF PORT AUSTIN

NUISANCE ABATEMENT ORDINANCE

ZONING ORDINANCE
ORDINANCE NO. 132

WHEREAS, the Port Austin Planning Commission, in compliance with PA 184 of 1943, as amended, being the Township Rural Zoning Act, has recommended an amendment to the Port Austin Township Zoning Ordinance; and

WHEREAS, the recommended amendment has been studied and considered by the Port Austin Township Board which finds it to be compatible with the present land usage, reasonable and necessary for the public peace, health, safety and welfare of the people of the Township of Port Austin.

THE TOWNSHIP OF PORT AUSTIN, HURON COUNTY, MICHIGAN ORDAINS THE FOLLOWING:

USE OF ABATEMENT ORDINANCE:

SECTION 1: Definitions

1. 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.
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 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: Penalty

Any person or other entity who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses the township has put in connection with the violation including reasonable costs and attorneys fees. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

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. 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 4: Enforcement

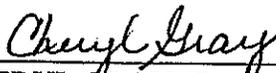
The supervisor is hereby authorized to enforce this ordinance, and he may delegate the enforcement to any administrative official or employee of the township. The township may seek abatement of a nuisance and such other relief as may be obtained by civil proceedings in court. This is in addition to and not in derogation of prosecutions for violations of this ordinance under Section 2 hereof.

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.

All ordinances of the township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this ordinance.

This ordinance shall take effect upon publication as required by Michigan law following adoption of the township board.

Made and passed at a meeting thereof this 16th day of September, 2002.



CHERYL GRAY, Township Clerk



MARVIN GORETSKI, Township Supervisor

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Port Austin, County of Huron, State of Michigan, at a regular meeting held on the 16TH day of September, 2002, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting:

Goretski, Babcock, Gray, Andreski, Stockoski

and that the following Members were absent:

None

I further certify that Member JoAnne Babcock moved adoption of said Ordinance, and that said motion was supported by Member Irvin Stockoski.

I further certify that the following Members voted for adoption of said Ordinance:

Goretski, Andreski, Stockoski, Babcock, Gray

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Dated: September 17, 2002

Cheryl Gray
CHERYL GRAY, Township Clerk

Made and passed at a meeting thereof this 16th day of September, 2002.

Cheryl Gray
CHERYL GRAY, Township Clerk

Marvin L. Goretski
MARVIN GORETSKI, Township Supervisor

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Port Austin, County of Huron, State of Michigan, at a regular meeting held on the 16th day of September, 2002, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting:

Goretski, Babcock, Gray, Andreski, Stockoski

and that the following Members were absent:

None

I further certify that Member JoAnne Babcock moved adoption of said Ordinance, and that said motion was supported by Member Irvin Stockoski.

I further certify that the following Members voted for adoption of said Ordinance:

Goretski, Andreski, Stockoski, Babcock, Gray

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Dated: September 17, 2002

Cheryl Gray
CHERYL GRAY, Township Clerk