

# ORDINANCE NO. 19

## NUISANCE ORDINANCE

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*AN ORDINANCE TO PRESERVE THE PEACE, WELFARE, ORDER, HEALTH, AND SAFETY OF PERSONS AND PROPERTY IN THE VILLAGE, AND TO PRESCRIBE A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.*

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### THE VILLAGE OF DEERFIELD ORDAINS:

#### Section 1. NAME

This ordinance shall be known and cited as the Deerfield Village Nuisance 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 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 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.

#### Section 3. PENALTY

Any person who creates, causes, allows, suffers or permits the existence of a nuisance shall be guilty of a misdemeanor. Each day that such nuisance is permitted to exist shall constitute a separate misdemeanor. Any person who is convicted of such a misdemeanor shall be punished by a fine not in excess of \$500 or by imprisonment in the Lenawee County jail for a period not to exceed 90 days, or both such fine and imprisonment in the discretion of the judge imposing sentence.

#### Section 4. 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 5. ENFORCEMENT**

The supervisor is hereby authorized to enforce this ordinance, and he may delegate the enforcement to any administrative official or employee of the village. The village 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 3 hereof.

#### **Section 6. SEVERABILITY CLAUSE**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, 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 said part of portion thereof.

#### **Section 7. EFFECTIVE DATE**

This ordinance shall become effective 30 days after its adoption.

#### **Section 8. REPEALER**

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

#### **Section 9. PUBLICATION OF ORDINANCE**

The Village Clerk shall publish this ordinance in the manner prescribed by law.

YEAS: 5

NAYS: 0

ORDINANCE DECLARED ADOPTED ON MONDAY, JULY 2, 2001.

William Howard

President, Deerfield Village

#### **CERTIFICATE OF ADOPTION AND PUBLICATION**

**I, Sandra Witt, the duly elected Clerk of the Village of Deerfield certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Village Council of the Village of Deerfield on July 2, 2001 and published in the Blissfield Advance, a newspaper circulated in the Village of Deerfield on July 10, 2001.**

Sandra Witt

Deerfield Village Clerk