

## **61.000 NUISANCE PARTY ORDINANCE**

### **Ord. No. 1993-3**

**Adopted: May 12, 1993**

An Ordinance enacted pursuant to the authority of MCL 41.181, 41.184 and 42.15, to prevent, reduce, and eliminate nuisance parties within the Charter Township of Union; to preserve, promote, and protect the health, safety and general welfare of the persons and property within the Township; to provide for the enforcement hereof; and to provide penalties for the violation hereof including a provision that violations will constitute a misdemeanor and to establish that any violation shall be a public nuisance.

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN, ORDAINS:

#### **61.001 Title.**

Sec. I. This Ordinance shall be known and cited as the "Nuisance Party Ordinance," and it shall be sufficient to any action for enforcement of the provisions hereof to define the same by such title or reference to the number hereof.

#### **61.002 Purpose.**

Sec. II. It is the purpose of this Ordinance to promote the general health, safety and welfare of the residence [residents] and property owners of the Township by preventing, reducing, and eliminating nuisance parties within the Township.

#### **61.003 Nuisance party.**

Sec. III.

- 3.1. *Nuisance party defined:* A social gathering or party which is conducted on premises within the Charter Township of Union, and which, by reason of the conduct of those persons in attendance, results in any one or more of the following conditions or occurrences: public drinking or drunkenness; public urination or defecation; the unlawful sale, furnishing, or consuming of intoxicating beverages; the unlawful deposit of trash or litter on public or private property; the destruction of public or private property; the generation of pedestrian or vehicular traffic which obstructs the free flow of residential traffic or interferes with the ability to render emergency services; excessive, unnecessary or unusually loud noise which disturbs the comfort and quiet repose of the neighborhood; public disturbances, brawls, fights or quarrels; or which results in any similar conduct or conditions which annoys, injures, or endangers the safety, health, comfort, or repose of the neighboring residents, or results in any indecent or obscene conduct, or results in any immoral exhibition or indecent exposure by persons at the social gathering or party, is hereby declared to be an unlawful public nuisance.
- 3.2. *Nuisance party prohibited:* Any person being the owner, occupant, tenant or otherwise having any possessory control, individually or jointly with others, of any premises who either sponsors, conducts, hosts, invites, suffers, permits, continues, or allows to continue a social gathering or party which is or during the course thereof becomes a public nuisance as defined in 3.1 [61.003(3.1)] above is hereby deemed to have committed a violation of this Ordinance, and upon conviction shall be subject to the penalties as provided herein. In any prosecution for a violation of this Section, proof of specific intent shall not be required as a necessary element.

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- 3.3. *Persons attending nuisance parties:* Any person in attendance at a nuisance party as defined by 3.1 [61.003(3.1)] above, whether or not such person has any possessory control, shall be deemed to have committed a violation of this Ordinance and upon conviction shall be punished as provided herein.

#### **61.004 Enforcement and penalties for failure to comply.**

Sec. IV.

- 4.1. *Penalties:* Any person who shall violate any terms of this Ordinance shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor, be subject to a fine of not more than \$500.00 or to imprisonment for a period of not more than 90 days or both, plus costs of prosecution. Nothing contained in this Ordinance shall prevent the Township Board, public official, or private citizen from taking lawful action as is necessary to restrain or prevent any violation of this Ordinance.
- 4.2. *Nuisance provision:* Actions in violation of this Ordinance are declared to be a nuisance per se. A court of competent jurisdiction may order such nuisance abated and the person violating the ordinance may be adjudged guilty of maintaining a nuisance per se.

#### **61.005 Effective date.**

Sec. V. This Ordinance shall take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

#### **61.006 Severability.**

Sec. VI. The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

#### **61.007 Miscellaneous.**

Sec. VII.

- 7.1. All ordinances, resolutions or orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.
- 7.2. This Ordinance shall be published once in the Morning Sun, a newspaper of general circulation within the boundaries of the Township, and qualified under state law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by signatures of the Supervisor and Township Clerk.