

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

PROPOSED ORDINANCE #04-2017

AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES; AMENDING CHAPTER 26, “OFFENSES”, ARTICLE V, “OFFENSES AGAINST PUBLIC PEACE”, BY THE ADDITION OF SECTION 26-224 TO ADD A SECTION PROHIBITING OFFENSIVE ODOR.

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

That Section 26-224, Offensive Odor, under Chapter 26 “Offenses”, Article V “Offenses Against Public Peace”, be added to hereafter read as follows:

Chapter 26 “Offenses”
Article V “Offenses Against Public Peace”

Section 26-224. Offensive Odor defined, prohibited and penalty.

(a) Defined.

Offensive odor means any smell, condition or thing that is foul or offensive to the senses, including all disagreeable or obnoxious odors and stenches, as well as the conditions, substances or causes which give rise to the emission or generation of such odors and stenches.

(b) Prohibited.

Offensive odor shall not be allowed to escape into the atmosphere in concentrations which are offensive to the public or to adjoining property owners or occupants, or which could be detrimental to human, plant, or animal life. It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of conditions which give rise to the emission or generation of an offensive odor.

(c) Penalty.

(1) A person's first violation of this section shall be a municipal civil infraction with a civil fine of \$300 plus the full cost to the city to prosecute the matter.

- (2) A person's subsequent violation of the same section shall be a misdemeanor and subject to the penalties of section 1-14(a) plus the full cost to the city to prosecute the matter.
- (3) Enforcement and penalty under this section shall be deemed to be cumulative and not exclusive. Nothing in this section shall prevent the city from taking action under any of its fire, housing, zoning or other health safety codes for violations thereof to seek injunctive relief against such violations in accordance with the terms and conditions of the particular code the city could proceed under. In addition, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

SECTION 2. Repeal. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be deemed invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance deemed invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the ___ day of ___, 2017.

WILLIAM MATAKAS, Mayor
City of Allen Park

MICHAEL I. MIZZI , City Clerk
City of Allen Park